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AT THE
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GOVERNOR'S MESSAGE.

*Fellow Citizens of the Senate
and House of Representatives :*

Addressing to you the last annual communication I shall be called upon to present to the people of Michigan, it is a source of unfeigned gratification to be able to congratulate you on the prosperous condition to which our rising commonwealth has attained. You are assembled at a period of peculiar interest. Our people have been favored with general health ; rich rewards have been gathered in the fields of agriculture ; and in every branch of trade, industry and labor have been crowned with unexampled success. With such an earnest from the past, and with just hopes and expectations for the future, we cannot fail to reach that high destiny which has been assigned us with our sister republics.

Neither are these indications of prosperity confined to the limits of our own state. We have but to look abroad upon the condition of our common country, to be satisfied with the lot Providence has assigned us. With a government the freest in the world, we are exempt from internal dissensions ; our external relations with foreign powers are as yet undisturbed ; our commerce is known to every clime ; the increase of our population is beyond former example ; and on every side our country presents the evidences of that continued favor which has elevated us from feeble and dependant colonies to an extended and powerful confederacy.

Based as our government is, upon the representative will of the people, the legislature is emphatically the depository of their rights and liberties. It will, therefore, fellow citizens, become you to watch with a vigilant eye the different interests committed to your charge, to guard against all encroachments upon the rights of those you represent, to expose all abuses of power or

trust, and to provide wholesome checks against subsequent dangers. Coming as you do, from the immediate body of the people, knowing their desires and wants, it is expected that your wisdom and patriotism will supply the deficiencies and correct the errors of other branches of the government. No station, therefore, can be more important, than the one you now occupy. In the discharge of your duties, you are bound by the strongest obligations, to endeavor to perpetuate the principles upon which our government has been founded; you are called upon to cherish that ardent attachment for liberty and equal rights, which can alone secure the happiness of the American people; and it is expected that by your precept and example, you will foster a veneration for the institutions of our country.

The officer at the head of the treasury will lay before you the condition of the finances of the state. From his representation, it will be seen that the current receipts into the treasury for the past year, have fallen short of the expenditures of the government, under appropriations by law. The amount of receipts from the first day of January, to the twentieth day of December, eighteen hundred and thirty-eight, was one hundred seventy-seven thousand six hundred and sixty-two dollars, twenty cents: the expenditures during the same period, amounted to one hundred eighty-five thousand five hundred and sixty-eight dollars, seventy-six cents, showing an excess of expenditures of seven thousand nine hundred and six dollars, fifty-six cents. This deficiency in the revenue, is deeply to be regretted, and calls for the prompt and efficient interposition of the legislature. You will perceive, from the report of the Auditor General, that the amount of taxes due and unpaid by the different counties, will nearly equal the sum of fifty thousand dollars. This inattention on the part of the officers of many counties, to the solemn requisitions of law, must prostrate the energies of the state government, unless corrected; and I submit to you, whether some additional remedy should not be provided against this gross neglect of duty. The neglect in the assessment and returns of some of the counties must also be remedied by special legislation, at your present session. Sensible that the subject requires the immediate consideration of the legislature, and satisfied that the existing defects in our revenue system demand a prompt correction, I earnestly invoke your attention to the adoption of such measures as will relieve the people of Michigan from the otherwise inevitable consequence, an embarrassed and bankrupt treasury. It is but just, however, to add, that in addition to the deficiencies in collecting the revenue, the heavy charges incident to the operations of a new state, and which have been drawn from the general fund under the sanction of your predecessors, will in some degree offer a justification for the balance against the treasury.

It affords me the highest gratification to renew my congratulations on the successful progress of our works of internal improvement. Each division of the system has been prosecuted with an energy and activity, highly creditable to those to whom they are entrusted. The central road is under contract as far as Jackson, being a distance of seventy-eight miles from Detroit, and locations are now in progress as far as Kalamazoo, one hundred and forty miles from Detroit. By the agreement with the contractor, that portion of this road between Ypsilanti and Ann Arbor, should have been ready for the iron rails, as early as the month of October, but from some cause, is not as yet completed. On the southern road a commendable energy has been evinced. Thirty miles of this road, as far as Adrian, will be ready for laying the iron early in the ensuing spring; it is under contract as far as Hillsdale, and the engineers are completing the final locations on the third division, as far as the village of Branch. The Saginaw and Clinton canals are in active progress; the same may be said of the northern railroad, which has been placed under contract for clearing and grubbing from Port Huron to Lyons. The contracts for the construction of the canal around the falls of the Sault de Ste. Marie have been let, and the work itself will be commenced at an early day. Additional experience but serves to confirm the importance of this last improvement, and it is hoped it may command the consideration of the legislature. For a more particular and detailed statement, however, of the condition and progress of our internal improvements, I beg leave to refer you to the report of the commissioners, which will be laid before you without unnecessary delay.

The expenditures in this department, thus far, amount in all to \$888,301 03. On the central road, the expenditure has been \$572,769 69; the southern, \$216,825 70; the northern, \$20,998 69; on the Clinton canal, \$34,098 84; the Saginaw, \$17,203 99; the Sault de Ste. Marie canal, \$1,946 75; and on the different navigable streams, \$24,139 64. The central road is the only work which has been completed, so far as to yield an income. The returns of the collector exhibit a flattering statement of receipts, and they augur well for the ultimate success of this road, as a work of public importance. From the month of February, 1838, when the road was opened, to the eighteenth day of December last, the entire receipt of tolls amounted to \$81,604 54. The number of passengers who have passed over this road, was twenty-eight thousand seven hundred and fifty one; the amount of merchandize transported, nine millions seven hundred and ninety-two thousand four hundred and fifteen pounds; and the number of barrels of flour, fifteen thousand and fifty. This amount of receipts, after deducting the expenses of the road, is applicable to the purposes of the sinking fund, and is now in bank.

When it is borne in mind that the receipts as above stated, have accrued on only twenty-eight miles of the road, it is fair to conclude that, in progress of time, when the entire work is completed, the resources of the state developed, and the enterprize of our increasing population actively employed, it will yield a return of income beyond our most sanguine expectations.

But this flattering exhibition must not lead us to forget the caution and economy with which our expenditures should be made. We have adopted a system of internal improvements which will, for its success, demand the exercise of our most rigid economy. The works we have in contemplation, embrace, in all, a distance of eleven hundred and nine miles, and are to be constructed at an estimated expenditure of seven million seven hundred and ninety-four thousand four hundred and thirty dollars, exclusive of all cost for cars, locomotives, and other machinery. This estimate, it is feared, will fall short of the actual cost of these works; and with such apprehensions, it will behoove the legislature to guard with scrupulous care the fund assigned to this branch of the government. Examine rigidly the expenditures of the commissioners. Let no complaints pass unheeded. Direct your committees to investigate fully the proceedings of the present and previous boards of commissioners, that it may be distinctly known to the people of Michigan, if there has been any profligate expenditures, or improper use of the public moneys.

Connected with the internal improvements of the state, there is a subject, to which I beg leave to call your impartial consideration. Under the act of March 21st, 1837, the Governor of the state was authorized to negotiate a loan of five millions of dollars. This duty has been fulfilled, and I now submit to the legislature the details of that negotiation.

Immediately on the enactment of the law authorizing this loan, its exclusive negotiation was placed in the hands of a competent agent in the city of New York, it being impracticable for the Executive of the state to devote personally to the undertaking, that attention which its magnitude required. Although confidently assured at this time, that a negotiation would be closed, at an early day, yet in consequence of the embarrassed state of the money market, and the difficulty attending the sale of American stocks abroad, the expectations of the agent were left unrealized. It is but just, however, to say, that this assurance of the agent was based upon advices from Europe, received through the banking-house to whom the foreign negotiation was entrusted. As an earnest that the loan would be concluded, the agent agreed to advance to the state, on his own account, one hundred and fifty thousand dollars. This amount was received, and contrary to my expectations or instructions, through bills drawn on London, on account of the Michigan state stock. The subsequent recep-

tion in London of the amended law, authorizing the loan, induced the contracting parties to break off the negotiation, which would have been successful, had not the amended, as well as the original law been defective. This failure in the foreign negotiation, compelled the reimbursement of the sum received through the medium of the European bankers.

To satisfy the legislature that this stock has been introduced into the European market under the most favorable auspices, it is but necessary to state, that it was entrusted to the hands, and received the personal attention of a member of the house of Prime, Ward and King, of the city of New York. Mr. King thus reports the result of his attempted negotiation in London:—"The bonds were received in London in December, 1837. Preparatory negotiations had been entered into there, with a prospect of success, in the anticipation that the amendatory act of Michigan would have been clear and explicit as to making principal and interest, both in sterling money, payable in London. Said amendatory act, as also the original act, relating to these bonds, nowhere expressly and directly, nor in any way but by inference, authorized or permitted the payment of the principal abroad, although it was explicit as to the payment of interest. But it directly limited the rate at which payment of either or both should be made in London—at par, or \$4 44-100 per £1 sterling, although it requires, that any premium or gain of exchange upon the negotiation should be accounted for to the state of Michigan. Thus, although the state might receive the proceeds of the bonds in sterling abroad, at a premium of ten per cent, yet it would only refund the money and pay the interest at par—in other words, to receive \$4 88-100 per £ sterling, but to pay back \$4 44-100 per £ sterling. It was then thought practicable to negotiate for bonds in dollars, principal and interest payable in New York, but the uncertainty as to rates of exchange, rendered any probable price in London insufficient to cover limits. An effort was then made to obtain authority to draw for a given amount, upon leaving the bonds in London, if that should suit the state of Michigan; but no such authority, except after sales made, could be obtained. The rate in London for a Michigan loan of six per cent, interest and principal payable in New York, would probably be \$95 40-100, without allowance for commission and charges." Thus much of the report of Mr. King is submitted to you, in justice to all the parties concerned, and that the embarrassments attending the negotiation of this loan may be fully understood.

In the mean time, however, under the apprehension that the delays in the foreign negotiation might leave the board of internal improvement without the adequate funds necessary for the prosecution of the public works under their charge, five hundred

thousand dollars of state bonds was sold to a gentleman of this city at a premium of six per cent, payable in the current funds of our own banks. On this sale to Mr. Newberry, two hundred thousand dollars was paid, the remaining three hundred thousand dollars of bonds was returned to the state authorities, in consequence of the inability of the holder to meet his payments, or to negotiate his stock, either in American or European markets. Previous to this sale, a proposition was made to the Detroit city banks, but they declined entering into any negotiations.

For the further purpose of showing the embarrassments and difficulties attending moneyed operations during the period the Michigan loan has been in market, I beg leave to state, that on the seventh day of May last, a written contract for the entire loan, at par, was entered into with a gentleman of the city of New York, whose financial relations justified the conclusion that he could command the ability to meet his engagement. Eighty thousand dollars on this contract was paid, but it was subsequently cancelled, from the inability of the contractor to meet his additional payments.

Under these embarrassments, and amidst the continued increase of state securities in both the American and European markets, I closed a contract in May last, with the Morris canal and banking company, for five millions of state stock, including that issued to the Ypsilanti and Tecumseh, and Allegan and Marshall railroad companies. A copy of this contract, together with other papers relating to the subject, accompany this communication, and to which I beg leave to refer you.

The desire and expectation of all the parties to this contract was, that the state of Michigan should realize the par value of her bonds. By the terms of the contract, the sale was considered absolute, although the agreement itself, is shaped as an agency. The feature in the contract was urged from the fact, that as Michigan stock, introduced into the market through other sources, had sold as low as ninety-three or ninety-five cents on the dollar, the Morris canal and banking company were apprehensive, that in the first disposition of this loan, they should be compelled to sell below the par value of the bonds. They were unwilling to encounter this risk, and as the law forbade a direct sale at a less rate than par, provision was made for a commission under an agency, the company guaranteeing to the state the different instalments, whether funds were realized on a sale of the bonds or not. Under this negotiation, one million three hundred thousand dollars has been paid into the state treasury. For the first year the notes of the Morris canal and banking company were to have been received in payment, and to be disbursed by the state, but from considerations connected with our currency at home, drafts at ninety days were subsequently substituted, as appears by the

accompanying papers. The remaining payments are to be made in quarterly instalments of two hundred and fifty thousand dollars.

Associated with the Morris canal and banking company, in the purchase of the Michigan bonds, will be found persons of high standing with the financial public, both in the United States and Europe. With a desire to realize to the state the par value of her stock, an agent was despatched abroad, who, as late as October twenty-sixth, eighteen hundred and thirty-eight, had been unable to effect any negotiation. Under these embarrassing circumstances, the Morris canal and banking company, as you will perceive by the documents transmitted to you, have closed the entire negotiation by a sale of three millions of stock to the Bank of the United States. I regretted the necessity of this sale, as I had hoped to have saved to the state the payment of all commissions.

As a justification for closing this negotiation, the parties in their communication say: "After consulting with those interested with us, in the contract and agency made with you on behalf of your state, we have come to the conclusion, that we see no prospect of benefiting you, by declining the offer now made to us, and have therefore closed with the party making the offer to purchase at par. We are free to confess, that the recent advices from Europe, of the great and unexpected accumulation of American securities offered at low rates, and the fact that some of the most undoubted state stocks have been urged upon that market by banking-houses, whose connections with this country had led us to expect a different course, have inspired no little apprehensions of unpleasant results, and have caused us for some time past, to feel that the commission stipulated for, forms but an inadequate compensation for continuing the risk of the foreign market. Banking houses in London give a very gloomy aspect to the feeling in regard to American securities, and the Great Western has actually brought back a large amount of six per cent bonds payable in London, from utter inability to realize funds upon them, except at immense sacrifice. In addition to all this, sterling six per cent bonds, have been recently sold in this city at one hundred and three, and more are offered at the same rate, which would reduce the rate of your bonds, being payable in this country, to about ninety-two cents."

I have thus, as concisely as a correct understanding of the subject would permit, stated to you the proceedings which have been had under the act authorizing a loan of five millions of dollars for purposes of internal improvements. The negotiation entered into was the most favorable presented by the market; indeed it became a question, whether this contract should be accepted, or our works of internal improvement be arrested. After mature deliberation, it was believed that a suspension of our

works of internal improvement at this time, would have proven more prejudicial to the public interest than the sale of stock which has been made. No other motive has actuated the Executive, than a desire to discharge his duties with fidelity, and to advance the prosperity of the state; he can only regret, that he is unable to report a more satisfactory result to his efforts.

The negotiation of this loan was committed to the Executive, contrary to his sense and opinion of what was due to the public interests. At the last session of the legislature, he earnestly recommended, by a special message, the appointment of loan commissioners; he stated his inability to devote the proper time to the duty imposed upon him; and above all, urged that it was wrong in principle to intrust such heavy interests to the uncontrolled discretion of one individual, when no corresponding securities to the state existed. Whilst the commissioners of other states devote their undivided exertions to the negotiation of their loans, and are present a greater portion of the year at the theatre of their operations, the time of the executive of this state has been too much divided between the ordinary duties of his office and his negotiations abroad, to secure a proper attention to the important trusts committed to him. If, then, it should occur to the legislature, that the success of this loan would have been promoted had it been placed in other hands, the loss may, in part, be attributed to a false economy, which would jeopardize millions of the public funds, rather than create the comparatively unimportant charge upon the treasury of an additional salaried office. With such views and sentiments, I must again urge upon the legislature, the absolute importance of transferring the management of this loan to other hands.

But, if the subject is inquired into, with a spirit of candor, it will be found, that the loss to the state will not ultimately prove so great as it at first imagined. By the contract with the Morris canal and banking company, our bonds are made dollar bonds, and are payable, both principal and interest, in the city of New York. In the payment of the interest for twenty-five years to come, when the principal is to be redeemed, no commissions or charges are accruing against the state, neither have we for the same period foreign exchange against us. These considerations are of some moment, and are worthy of consideration. It may perhaps also be well to inquire into the sale of the stocks of other states, and more particularly those of our own, issued to private companies, which were introduced into market from other sources, and which, to say the least, have elevated the credit of the state to no great extent. But, as there are many circumstances connected with this negotiation, which admit of explanation, and which have, perhaps, in the excitement of a political contest, received an unjust application, I would recommend the appoint-

ment of a committee to investigate all such matters as present an unfavorable aspect to any portion of your body. For myself I court the most rigid inquiry,—nay, I demand it at the hands of this legislature.

The unparalleled agitation, which has existed throughout the country for the past two years, makes it my imperative duty to call your attention to the subject of the currency. It certainly is one of the highest duties of the legislature, to guard the public against the evils of a spurious and vitiated currency. Ours has hitherto chiefly consisted of the paper issues of the state banks. These institutions, if properly conducted, are not only highly useful, but may be considered as essential to the prosperity of the country. The object of legislation should therefore be, not to destroy, but to correct the abuses incident to the present system of banking.

In reviewing the history of the embarrassments that have so recently convulsed the American continent, the distant observer must be struck with no little wonder, when seeing a nation at the very height of its prosperity, and almost without any apparent cause, suddenly plunged into bankruptcy and ruin. To him, however, who watched the progress of events at home, the approaching catastrophe was inevitable.

But a short time previous to this revulsion throughout the country, our commercial affairs, and trade in general, were greatly extended, and chiefly conducted on credit. The means for sustaining this state of things, were furnished by the immense amount of paper currency issued by the innumerable banks established by the different states. This increase of currency, if it can be called a currency, occasioned increase of prices, fluctuations and expansions in the circulating medium, and finally a total derangement of the laws of trade; and as the profits of the banks were in proportion to their discounts, the approaching demand for specie, by a return of their issues, was overlooked. The period arrived, however, when the demand for specie, to pay foreign debts, must be made, and the inability in the banks to meet it, produced the general suspension of specie payments, which has been so destructive to the country.

No state, perhaps, has suffered more from the evils of a deranged currency than our own. A most serious and responsible portion of your legislative labors, therefore, consists in supplying an effectual remedy against the disastrous scenes of the past year. Let your attention be diligently directed to this object, for experience has shewn that neither a regard for the rights of the people, a sense of moral obligation, nor a respect for the injunction of the laws of the land, are always sufficient to restrain banks in the abuse of public trust. To the reports of your Bank Commissioners, I refer you, for a detailed statement of the condi-

tion and operations of the different institutions of the state, and I submit to your wisdom, the correction of such abuses of your banking system, as will be exhibited to you by those officers.

But the restoration of our currency to a sound state, ought to be effected with as little injury as possible to existing institutions. A just system of redress for abuses committed, and the reformation of palpable defects, does not, by any means, necessarily imply a hostility to banks. The sickly cry of war against the banks, is losing its influence with an intelligent public. War against the banks! Is it to be seen in the banking history of the past two years—in obligations unredeemed, laws violated, and public sentiment outraged? War against the banks! Is it to be found in the archives of your national or state legislatures—in legalizing the suspension of specie payments; in the indulgence of the federal government to its depositories, and in the forbearance of the American people? Let there be an end, then, of this cry of war against the banks. The banks have their rights, and should be protected in them; but they are not above all law, both human and divine. The right of exemption from all responsibility to the people, as set up by many of the existing banks of the present day, is fraught with the most dangerous consequences, and should be firmly and boldly resisted. As has been justly declared, if all the pretensions of these corporations are acknowledged, it is elevating the money power above all others—"above thrones and principalities, laws and constitutions. The debasing consequences which must follow, both morally and politically, are easily seen. Can it be done without debasing the noble and independent spirit which created our free institutions, and without which it is impossible to maintain them? Can it be done without spreading over the land one all-absorbing spirit of gain, which shall extinguish all the more elevated feelings of our nature, and raise him who may dispense the favors of banks, in public estimation, above the philosopher, the statesman, the divine, the patriot, the warrior, or those engaged in the active and productive pursuits of life?"

In my last annual communication to the legislature, I expressed the opinion, that a powerful and important auxiliary in the reformation of our currency, would be found in the creation of a state bank. The experience of the past year, and additional reflection, have but confirmed me in this opinion. This institution, if created, should be made in reality a state institution, responsible to the people, and under the government of their immediate agents. It may be a question worthy of serious consideration, whether the high power of stamping paper, as a substitute for the currency recognized by the federal constitution, should ever have been conferred upon private corporations. It grants an important immunity to a favored few, bestows upon them privileges liable to abuse, and takes from the people the power of re-

gulating their own circulating medium. In a state institution, the control over the currency is in the hands of the people, and the expansions and contractions of paper issues, which always prove so ruinous in their consequences, may be remedied or avoided at the public will. In addition to these considerations, it is a matter of no small moment, that whilst the profits of private banks are so much taken from the pockets of the people, for the benefit of a favored few, the dividends arising on the discounts of a state institution revert back to the people, as a source of revenue to the public treasury.

Should the recommendation of a state bank meet your concurrence, it will task your most mature deliberation in determining its features and provisions. It is, however, confidently believed, that the wisdom of the legislature will supply every want of executive recommendation, and that no bill will receive your sanction that does not protect the interests and guard the rights of the people of Michigan.

In the organization of such an institution, it will be found that the mode of procuring the necessary capital, will not be an unimportant consideration. The bank should not attempt operations without the actual capital required by the charter being paid into its vaults. This capital might consist of the surplus revenue received from the federal government, the sinking fund arising from the receipts on our works of internal improvement, the university and common school fund, and the proceeds of an issue of state stock. For the detailed features of a charter, we must avail ourselves of the lights and experience of other states. In one conviction, however, I am clear: it is, that the control of the institution should never be suffered to pass from the hands of the state. Not less than six or eight states of the Union have created banks with this general character, and thus far, they have realized the most sanguine expectations of their respective people. The apprehensions of political influence directing the operations of a state institution, are shown to be unfounded. But, as declared to your predecessors, whilst I can but express the opinion, that a state bank founded on the credit and resources of the state, would be all-important to the prosperity of Michigan, and essential to the reformation of our currency, I shall readily yield to the better judgment of the legislature.

The Superintendent of Public Instruction will present to you the condition of our common schools, and the state of the public fund committed to his charge. In addition to previous sales, the sales during the past year, of lands set apart for common schools, amounted to fifty-five thousand six hundred and fifty dollars, and those of the university lands to ten thousand one hundred and four dollars. The interest on school lands heretofore sold, has been promptly paid by the purchasers, and it is confidently expected,

that the different counties, which have received portions of this fund, will meet their obligations at maturity. But although the purchasers of these, as well as the university lands, have met the interest, as it accrued, yet the deranged state of our currency, and the general scarcity of money, render it peculiarly difficult for them, at present, to meet the instalment on the principal now due or coming due. It is perfectly obvious, that the interest would not be paid, did not the holders desire to retain the lands, and the only portion of this fund the state really requires is the interest. I would, therefore, respectfully suggest to your consideration, the propriety of vesting the Superintendent with authority to grant a reasonable extension of the payment of the instalment of ten per cent, where, in his opinion, it can be done without jeopardizing the interests of the state.

By considering the amount of duties, at present attached to the office, it must readily occur to you, that those of the Superintendent, are becoming too onerous for any one officer. The fund under his direction, is an important one, and should receive the undivided attention of a separate and distinct officer. The ordinary and legitimate duties of the Superintendent, in his supervision of our common schools, and the university of Michigan, are likewise highly important and arduous. I would therefore earnestly recommend the appointment of an assistant, who should relieve the Superintendent from the immediate direction of the financial department of the office.

The regents of the university of Michigan, will report to you the progress of the institution under their direction. As yet, their operations have been limited, resulting from the small income thus far received from the university lands. Five branches of the institution have been organized and are located at Detroit, Monroe, Pontiac, Kalamazoo, and Niles. At these branches are already one hundred and sixty-three youths, under a course of instruction, preparatory to entering the parent institution. An increasing demand exists in the different counties for additional branches; but the limited means at present under the control of the regents, will not justify a compliance with this demand. I would therefore again recommend that the seventy-two sections of land attached to the state salines, be set apart, as a distinct and permanent fund for the support of the branches of the university.

The lands belonging to the university proper, have been located by a competent officer, and generally confirmed by the proper department at Washington, except the locations on the Grand river. These locations, at an early day, were communicated to the general land office, but as yet, the decision of the commissioner has not been received by the Executive. Under the authority and by the directions of the legislature, John Mullett, Esq., was appointed to review these locations; but no report has ever been

received from him. Under the act of the last legislature, a loan of one hundred thousand dollars has been effected for the purpose of constructing the university buildings; a plan for the buildings has been adopted, and their erection will be commenced early in the ensuing spring.

I have so often referred to the subject of education in my former communications to the legislature, and its importance to the permanent prosperity and happiness of the American people, is so manifest, that I shall at present refrain from its repetition. In a government like ours, which emanates from the people, and where the entire administration of its affairs is submitted to their supervision and control, no other subject can equal in importance that of public instruction. As the friends of civil liberty, it becomes our duty to provide for the education of the rising generation. To the intelligence of those who have preceded us, we are indebted for our admirable system of government, and it is only upon the intelligence of those who are to come after us, that we can hope for the preservation and perpetuation of that system. Our own state has been highly favored. The federal government has secured us an ample fund for all the purposes of a liberal system of education; and it only remains for us to foster it with a scrupulous regard to the important object for which it is assigned. Our system of education, as adopted, has not yet had sufficient time to develop its defects, if any exist. It would not therefore be advisable perhaps, to attempt any material change at present. The success of the system, thus far, is as great as could reasonably be expected, from the short period it has been in operation.

The geological survey authorized by the legislature, has progressed with all the expedition the nature of that important work would permit; and the high character and scientific ability of those to whom the survey is entrusted, ensure its satisfactory completion to the public. For full information on the subject, I refer you to the report of the chief officer of this department, which will be submitted at an early day. From this source it will be perceived, that the anticipation of benefits to the state from this survey, are about to be fully realized, and that the resources of wealth developed to Michigan are unbounded.

At the last session of the legislature, I called the attention of your predecessors to the importance of encouraging, by legislative enactment, the agricultural interests of the state. A bill with this object, passed the House of Representatives at that period, but failed to receive the action of the Senate. The agricultural interest is one of great importance, and claims with justice the protection of the government, and yet it has received less aid from direct legislation, than any other department of industry. But I feel that when it is recollected how essentially the real prosperity of Michigan depends upon the cultivation of her soil and the la-

bors of her husbandmen, the subject will receive your earnest consideration and favorable action.

The commissioners appointed to superintend the erection of the state penitentiary, have proceeded in their work with unexampled rapidity. The plan of the buildings has been altered from the original design, so as to produce a saving to the state of two hundred and fifty thousand dollars. The buildings will be fire proof, and will contain eight hundred cells. The probable cost of the entire plan, as estimated, will be about four hundred thousand dollars, being nearly three hundred thousand dollars less than the Auburn prison, New York. The commissioners also report thirty-four cells in a state of readiness for prisoners.

The loan authorized by the legislature for building the prison, has been negotiated, and the contract filed with the Treasurer of the state. This appropriation was so limited, that the commissioners were compelled to borrow additional funds, so as to have the buildings ready for occupation during the present year. Much labor and expense would have been saved the state, had the authority existed for transferring the convicts confined in the different counties to the state prison, where they might have been employed on the public works. I therefore call your attention to the enactment of a law conveying such authority. The acting commissioner, also, suggests the further appropriation of one hundred thousand dollars at your present session. This sum will cover the advances made the commissioners by the state deposit bank, will meet the estimates and contracts of the present year, and will complete one half the block of cells, together with the keeper's house. The whole subject is submitted to the legislature for their favorable consideration.

The judiciary department of the government, being one on which we must chiefly rely for a just and efficient administration of the laws, I must be permitted to call your attention to its present organization. The basis of our judicial system is laid by the constitution. It consists in one supreme court and such other courts as the legislature may from time to time establish. At the original organization of our state government, the judicial power was vested alone in a supreme court, the judges of which were to perform the duties of circuit judges. That system exists at the present day; but from the increase of business in the different counties, and from original defects, it is rendered inadequate to the accomplishment of the ends designed by its institution.

One objection to the present organization is, that as the judges of the supreme court are required to review their own decisions, made as presiding judges of the circuit courts, the very natural, and almost inevitable result must be, that it tends to lessen the public confidence in the administration of justice. The judges of the court of last resort, whose decisions in law and in equity are

final upon matters of the greatest moment to individuals and the whole community, ought, so far as the law is concerned, to be placed beyond the liability of all suspicion or imputation. An additional objection to the present system is, also, that the proper business of the supreme court will very soon, if it does not now, require an amount of labor and diligence, which will occupy most of the time of the judges. Over and above its original jurisdiction, this court has appellate jurisdiction from the court of chancery, from all the circuit courts in criminal and civil cases, on writs of error, and from the courts of probate of the different counties. This must necessarily bring before the judges, many important and unsettled questions, and as the decisions in all such cases are final and conclusive, great labor and responsibility must be attached to the discharge of duties, where the great leading principles of law are to be established, which are to govern our citizens in all time to come, and to protect them in all their rights and liberties.

Satisfied, then, that our present judicial system is inadequate to the great ends for which it was established, I would recommend such an alteration as will lead to the organization of circuit courts, as reported by the reviser of the laws at the last session of the legislature. This change will ensure the speedy administration of justice in the different circuits, and will leave the supreme judges sufficient time for study and mature deliberation. Three circuits would probably meet the demands of the public. In point of economy, nothing would be lost by the change; for, by confining the supreme judges to three in number, as well as the circuit judges, it is but the increase of two additional offices; and what is this, when balanced with the immense advantages accruing to the community, from having your judiciary at once placed upon a just and correct foundation. Whatever view the legislature may take upon the subject, their speedy action on it is highly desirable.

I may here call your attention to the wretched manner in which criminal justice is administered in the different counties. From neglect and inattention, our criminal laws have become almost inoperative. The prompt and efficient execution of our criminal code, chiefly depends upon the exertions of the prosecuting attorney of each county. The inadequate compensation, however, which these officers receive, renders it impossible to secure their attention to the duties imposed upon them. I would recommend, as a remedy for the evil, if no constitutional impediment exists, that the state be divided into districts, and that an attorney be appointed for each district. Such a measure, if adopted, would elevate the office, as it would increase the compensation, and thus command higher legal attainments. The constitution provides, that there shall be a prosecuting attorney for each county, and

the question will arise, whether this provision would prevent the appointment of the same individual for more than one county. My own opinions are in favor of the right of the legislature to make the contemplated change, but I refer the subject to your consideration. A report from the attorney general will also be submitted, embracing other amendments to the existing laws.

There is one subject, connected with the duties of the philanthropic legislator, to which I beg leave to call your most serious attention. At repeated sessions of the legislature, I have earnestly recommended the total abolition of imprisonment for debt. This recommendation received the sanction of two successive legislatures, the reviser of the laws was instructed to erase the system from his revision, and yet, strange as it may appear, it still remains a blot upon your statute book. Imprisonment for debt has been entirely abolished, except in cases of fraud, in several of the states of the Union, without any inconvenience resulting to the administration of justice. In our own state, a modification has taken place, but still our laws leave the liberty of the citizen at the mercy of an unrelenting creditor, contrary to every principle of religion, humanity and justice. If imprisonment for debt should be abolished at all, its total abolition is demanded; for the same considerations and principles govern in the one case as the other. My views on this absorbing topic, have been fully presented to the legislature in frequent executive communications. The subject is again presented for your action, with the conviction, that your regard for the happiness of the poor and unfortunate, your sense of what is due to the spirit of our free institutions, and the expanding philanthropy of the age, render further recommendation on my part unnecessary.

At the last session of the legislature, important changes were made in our militia system, but no adequate remedy is to be found in the existing laws for the indifference and neglect, with which this branch of our state polity is regarded. Under our guarded institutions, no substitute can be proposed for the militia, amidst the sudden demands and exigencies of war. In the absence of a standing army, the citizen must be the defender of his country, and yet we find our militia undisciplined, unarmed, and in many instances without even the mere forms of organization. Some additional stimulant must be offered to secure the efficient discharge of their duties by the officers, or the system may as well be abandoned. Your attention therefore is invited to the subject, as one worthy of your deliberations.

As a general rule, the tendency of all legislative bodies is to excess of legislation. That the world is governed too much, is almost as applicable to our own form of government, as to others less free. The spirit of our liberal system, however, repudiates all needless restraints upon the free action of the people. Govern-

ment should curb the natural right of the citizen; only where the exercise of that natural right, would conflict with the rights of others, or prove injurious to the community at large. And yet our legislatures are constantly adopting legislative rules to protect the people from themselves.

Amongst these numerous legal restraints, none are more useless and pernicious, than our usury laws. The policy of interfering between citizen and citizen, as to the terms upon which one shall lend and the other borrow, should never be acknowledged. Leave the rate at which loans should be made between individuals, to the supply and demand of the market. A different policy drives capital abroad, or induces it to seek other channels from ordinary loans for investment, increases the dependance on the banks, and above all, in its moral tendency, engenders a disregard for the solemn injunction of the laws. It is true, that by the revised code, our laws on this subject have been modified, but where a principle is correct, it should never be abandoned by a partial compromise.

In the same spirit may be regarded our auction laws. Why this restraint upon an ordinary and harmless pursuit of life? The right to make sales at public auction, should be left open to the community at large, and not be confined to the hands of a select few. The state of New York has abolished the system. In addition to the monopoly created, the license you exact operates as an unequal and indirect tax. You create the monopoly, and impose a license, as a source of revenue to the state, at the same time forgetting that the public are charged with this license by commission on sales, at a rate enhanced by the absence of the competition in trade, which you have prohibited.

It might prove a source of curious speculation to ascertain the indirect taxation with which the American people are charged. The very bread we eat, the clothes we wear, all the necessities of life, every thing except the light of heaven and the air we breathe, are subject to these impositions in the shape of licenses, inspections or duties. The only method of raising the revenues of a republic should be by drawing them openly and directly from the people. They then know and feel what their burthens are. It need not ever be apprehended that they will not render freely what is necessary for the support of the government, according to a just and equal system of taxation. To suppose the contrary, is to contend that the people are incapable of self-government. With such views, I am against all restraints or impositions upon the ordinary pursuits of the citizen, and consequently in favor of a repeal of our existing law relating to sales at auction.

By a joint resolution of the legislature, approved April 6, 1866, the Governor of the state was instructed to obtain the opinion of some eminent jurist, touching our legal right to the district of

country which has been in contestation with Ohio, and the best mode of prosecuting our claim thereto. The questions presented by this resolution, were submitted to distinguished counsel, a copy of whose opinion accompanies this communication. It will be seen that they are of opinion, that the state and people of Michigan are bound by the assent to the terms of their admission into the Union, as given by the convention of January six, 1836; that the alteration in the northern boundary line of Ohio, has now been made by the "common consent," required by the ordinance of 1787; and that Michigan has no remedy left her, known to the constitution and laws of the land, by which she can lawfully disturb the boundary line as now settled.

Amongst the various important questions of public interest which claim your attention, none can be more completely identified with the prosperity of our country than that of the abolition of slavery. In our own state, slavery is prohibited by its constitution, nor does there perhaps exist amongst ourselves a difference of opinion as to its pernicious consequences to the rapid advancement and permanent prosperity of a community. But whatever may be our opinions as to the abstract question of slavery, its existence as a state institution, is acknowledged by the federal constitution and the laws of the land. In the spirit of conciliation and fraternal feeling which actuated our fathers in the establishment of our confederacy, the rights of the southern states in their slaves, were guaranteed and secured. A federal union could have been formed on no other basis. And yet, a portion of the people of the north, regardless of these considerations, and of their obligations as parties to the federal compact, are, in a spirit of misdirected philanthropy, engaged in efforts, which, could they be successful, would subvert the domestic institutions of their southern neighbors.

This disregard of every consideration due from one portion of the union to another, must be lamented by every friend of his country. It tends to disturb the relations created by the federal compact, and is at war with its spirit and designs. But as our free institutions are opposed to all restraints upon the liberty of the press, we can only appeal to the patriotism of our citizens in asking them to abandon the agitation of a subject, which, unless checked, must endanger the union of the states.

It also becomes my painful duty to call your attention to the occurrence of recent scenes of violence and disorder on our own frontier, which have unfortunately disturbed our friendly relations with a neighboring province. The revolt in the British provinces of Upper and Lower Canada naturally excited the sympathy of our citizens, and aroused that spirit of freedom which has ever characterized the American people. It is to be regretted, however, that these feelings should have led any portion of our citi-

ness into an open disregard of the laws of their own country, into a contempt for national faith, and into a violation of our neutral relations with a foreign power with whom we are at peace.

With the declaration of opinions, or the exhibition of sympathy on the part of our citizens for any people struggling for the rights and privileges which we enjoy, our government has no right to interfere, nor will it, it is believed, ever claim such a right. But our citizens have not rested here: We have unhappily witnessed on our soil, the embodying of an armed force, and the hostile invasion of the dominions of a power with whom the United States are upon the most friendly relations. There is a rank due to the United States amongst the nations of the christian world, which can only be maintained by preserving inviolate her obligations with foreign powers. If the good sense, patriotism and returning reason of those of our citizens who have been temporarily misled, will not induce them to refrain from the repetition of the scenes we have passed through, the strong arm of the law must protect from blemish the heretofore spotless reputation of our government. In the execution of those laws, it is trusted and hoped, every American citizen will always be found rallying to their support. If otherwise, and the laws of our own adoption are trampled upon with impunity, there is an end to our institutions:—we admit to the civilized world that the American people are unfit for the privileges of self-government, and afford to the advocates of arbitrary power the proudest triumph the world has ever witnessed. But I feel that our obligations to abstain from interfering with the domestic institutions of a foreign government, will be fully acknowledged by the people of Michigan: and let me inquire of many of those patriotic citizens, who are foremost in enforcing these obligations, if the same are not binding in our relations with sister states and fellow countrymen.

I have thus, fellow citizens, presented to you such views as have occurred to me, as being worthy of your consideration. The present, in all probability, is the last occasion I shall have of communicating with the representatives of the people of Michigan, and I cannot refrain from an expression of gratitude to the great body of my fellow citizens for the repeated manifestations of favorable regard they have extended to me. Though sensible that my exertions have not met with the success I could have wished, yet I trust they will be considered as having been directed by an earnest desire for the public good. And if my official relations to the people of Michigan, have been attended with any injurious consequences to their interests, I am consoled by the persuasion, that those evils will find their corrective in the patriotism of the legislative branch of the government, and in the wisdom of those who may succeed me. For the present, it only remains for me to give the assurance of my zealous co-operation

in the accomplishment of every measure that will add to the happiness or promote the prosperity of our constituents.

STEVENS T. MASON.

January 7, 1839.

Documents accompanying the Governor's message.

Contract with the Morris Canal and Banking Company.

Articles of agreement entered into this first day of June, in the year of our Lord eighteen hundred and thirty-eight, between the people of the state of Michigan, by Stevens Thompson Mason, Governor of the said state of Michigan, acting in behalf of the people and under the authority of the state aforesaid, of the first part, and the Morris canal and banking company, a body politic and corporate, for themselves and their successors, of the second part.

It is agreed between the parties, as above mentioned, as follows :

First. The parties of the first part have contracted with and employed, and do hereby contract with and employ, the parties of the second part as agents to sell the bonds issued and to be issued by the state of Michigan, by virtue of the act of the legislature of said state, entitled "An act authorizing a loan of a sum of money not exceeding five millions of dollars," approved the twenty-first day of March, eighteen hundred and thirty-seven, and an act supplementary thereto, approved the fifteenth day of November, eighteen hundred and thirty-seven, also an act entitled "An act authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall railroad company," and an act entitled "An act authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the Ypsilanti and Tecumseh railroad company," the two latter approved on the sixth day of April, eighteen hundred and thirty-eight, bearing interest at the rate of six per cent per annum, payable semi-annually, the principal and interest to be made payable in the city of New York, and in the lawful money of the United States, and redeemed at any time after the years eighteen hundred and fifty-nine and eighteen hundred and sixty-three, as provided for by the aforesaid acts of the legislature of the said state, to be sold by the said agents, the parties of the second part, at such times and in such parcels, and either in this country or in Europe, as they may deem advisable and for the best interests of those concerned therein. And the parties of the first part shall allow to the parties of the second part, for their agency and services in the premises, and in consideration thereof, a commission of two and a half per cent on the proceeds of sales, which is also to be in lieu

of all other expenses that may be incurred in the negotiation and sale of said bonds, and to be by said agents deducted from the proceeds of said sales.

Second. The parties of the second part shall have and deposit the proceeds of said sales, and of any benefit to be derived from the difference of exchange, in case the principal or any part thereof shall be contracted for and received in Europe, in the city of New York, ready to be there delivered to the parties of the first part or to such person or persons as may be duly authorized to receive the same, and they, the parties of the second part, hereby guaranty the safe transmission thereof to the city of New York, in case the sales be made and payable elsewhere, and they, the parties of the second part, further guaranty and agree, that in case the sales of the said bonds shall be so negotiated as that the whole proceeds of such sales, and of the benefit of the exchange as above mentioned, if any, shall not equal the par value of the aggregate amount of the bonds sold, they, the parties of the second part, shall make up the deficiency, viz: they shall and will allow and pay to the parties of the first part, or such person or persons as may be duly authorized to receive the same, in addition to such proceeds, the difference between the said proceeds and the par value of said bonds, after deducting their commissions as aforesaid on the par value, which is to be allowed them; and in case the sums realized on the sale of the said bonds shall amount to par, the parties of the second part shall allow and pay such proceeds in the city of New York as aforesaid, after deducting their commissions as aforesaid, and the parties of the second part shall and will advance and pay such proceeds in the city of New York as aforesaid, after deducting their commissions as aforesaid, at the times hereinafter mentioned, viz: two hundred and fifty thousand dollars to be paid and advanced in cash on the execution of this contract; one million and fifty thousand dollars, as may be required by the parties of the first part or on their behalf, the same being subject to their order; and the residue of such of the proceeds as are to be paid over under this contract, shall be paid quarterly in sums of two hundred and fifty thousand dollars each, the first payment thereof to be made on the first day of July, in the year of our Lord eighteen hundred and thirty-nine, until the whole of such proceeds shall have been paid, whether the said parties of the second part shall be in funds from the proceeds of such sales to meet the instalments or otherwise. And in consideration of the above guaranty and stipulations in this clause mentioned, it is further agreed, that whatever sum may be realized on the sale of the aforesaid bonds, over and above the par value, such excess, to the amount of five per cent and under, shall be equally divided between the parties hereto. The parties of the second part to retain their half thereof, and all

beyond the said five per cent shall be retained by the parties of the second part. The portions of such excess so to be retained by them, to be in addition to their commission of two and a half per cent on the par value of the whole five millions as aforesaid.

Third. The said bonds shall be drawn in such sums, in such forms, and be delivered to the parties of the second part at such times as may be desired by them prior to the instalments becoming due; the same to be prepared, nevertheless, conformably with the laws authorizing the issuing thereof.

Fourth. One million three hundred thousand dollars of said bonds are to be delivered to the said parties of the second part on the execution of this contract, and such further delivery of the bonds is from time to time to be made to the said parties of the second part, as always to put them in possession of one million of dollars in bonds in advance of the payment by them actually made to the said parties of the first part, or the person or persons authorized to receive the same.

Fifth. The said parties of the second part are to have the option of paying over in the city of New York, the balance of five millions of dollars, deducting thereout their commissions of two and a half per cent, or any part of such balance, and receiving the residue of the bonds of five millions of dollars, on thirty days' notice, to be given in writing to the Governor for the time being of the state; and whatever may remain to be paid, if any, shall be paid over by the parties of the second part in the city of New York, as soon thereafter as the whole bonds can be disposed of and realized and the account closed.

Sixth. It is further agreed that all and singular, the bonds of five millions of dollars above mentioned, are to be delivered to the parties of the second part at their banking house in Jersey city, in the state of New Jersey. And it is further agreed and understood, in consideration of the premises, and more particularly of the above guarantees entered into by the parties of the second part, that this agency shall be irrevocable, and shall continue in full force until all the services and stipulations herein mentioned shall be fully performed and consummated.

In witness whereof, his excellency the Governor of the said state, in the name and on behalf of the people of the said state of Michigan, has hereunto set his hand and affixed his seal, and the parties of the second part have caused their corporate seal to be hereunto affixed and attested by their vice president and cashier, the day and year first above written.

STEVENSON T. MASON, [L. S.]

The Morris canal and banking company,

by E. R. BIDDLE, V. Pres't, [L. S.]

In presence of

CH. B. BURCH,

WALTER BETTS, Jr.

Attest: ISAAC GIBSON, Cash'r.

Supplementary Agreement relative to Internal Improvement Loan.

Memorandum of an agreement made and entered into this fourth day of June, A. D., 1838, by Stevens T. Mason, Governor of the state of Michigan, with the Morris canal and banking company.

Whereas, the said Morris canal and banking company have passed to the credit of the said Stevens T. Mason, the sum of one million three hundred thousand dollars, for an amount of Michigan six per cent bonds equal at par to that sum :

Now, in consideration of such payment as aforesaid, the said Stevens T. Mason does hereby agree to receive said sum of one million three hundred thousand dollars, in the notes of the Morris canal and banking company, and to disburse them so far as the exigencies of the state of Michigan may allow, as follows, to wit: two hundred and fifty thousand dollars on or about the first day of August next; one hundred thousand dollars on or about the first day of September next, and one hundred thousand dollars on the first days of each of the ensuing months.

In witness whereof, the said Stevens T. Mason has hereunto set his hand and seal, the day and year first above written.

STEVENS T. MASON, [L. s.]

Morris Canal Company's Agreement for Ninety Day Drafts.

Whereas, the Morris canal and banking company have contracted with the Hon. S. T. Mason, Governor of the state of Michigan, to sell the bonds of said state, and have a commission for said agency, as stipulated in a contract bearing date the first day of June, 1838.

And whereas, it was agreed and understood between the parties, that the Morris canal and banking company should pay certain sums of money on the account of sale of said bonds, on first day of August next, also on first day of September, October, November, December, January, February, March and April following.

And whereas, it is represented by John Norton, Jr. Esq., cashier of State bank of Michigan, fiscal agent of said state, and acting in behalf of Governor Mason, with his full power, that it will better promote the interest of the state and internal improvement fund, to transfer money to be received on account of above payments, to the treasury of said state, by drawing bills from Detroit on New York, to be accepted by Morris canal and banking company, than to transfer the amount from New York to Michigan, as was intended to be done (when contract was executed) in bank bills.

It is hereby mutually agreed and understood, by and between

the Morris canal and banking company and said John Norton, Jr., acting in behalf of said Governor Mason, that said John Norton shall draw bills from Detroit on the Morris canal and banking company, payable at an average of not less than ninety days, after aforesaid instalments severally become due and payable.

And it is further agreed by the parties to these presents, that said bills, when drawn in conformity with foregoing stipulations, and by authority of Governor Mason, shall be accepted and paid by Morris canal and banking company.

And it is further agreed by said Norton, that in consideration of these presents, and especially in consideration of said Morris canal and banking company accepting when presented, and paying said bills when due, for amount of each instalment, they shall be considered and received as payment in full for the several instalments, in the same manner as though each payment was made in cash, on the day they are understood to be due by the original understanding and agreement.

New York, 14th July, 1838.

JOHN NORTON, Jr.

In presence of }

E. R. BIDDLE, V. P.

M. GREGGOLD. }

of Morris canal and banking company.

S. T. Mason to E. R. Biddle, Nov. 3, 1838.

New York, November 3, 1838.

Dear Sir—The approaching session of our state legislature, requires that I should be prepared to present the state of the agency of the Morris canal and banking company for the negotiation of \$5,000,000, under my contract of May last. You will, therefore, oblige me by furnishing a full statement of the sale of bonds up to this date, by your company; and at the same time, I should be pleased to receive such general suggestions on the subject, to be presented to the legislature, as would be calculated to promote the measure entrusted to your care.

I am, respectfully,

(Signed)

S. T. MASON.

E. R. BIDDLE, Esq., *Vice President, &c.*

E. R. Biddle's Report, Nov. 10, 1838.

OFFICE OF THE MORRIS CANAL AND BANKING CO.,
November 10, 1838. }

Sir—I have received yours of the third instant, requesting a statement and report of the condition of the bonds negotiated by

this company as agents of the state of Michigan, which will meet due attention.

Before rendering it, however, I deem it proper to say, that the recent advices from London place the condition and prospects of American securities in such a light as to render it very desirable to close the sale of the balance of your bonds, if to be accomplished within the limits fixed by our contract under date of first of June last.

It is now in the power of this company to do so, and to pass the whole amount to the credit of the state of Michigan, at par, less our commission of two and a half per cent, (which the contract authorizes us to do,) provided you will consent to deliver the residue of the bonds immediately, and take the obligation of the Bank of the United States in Pennsylvania, to pay three-fourths, and of this company to pay the remaining one-fourth of the aggregate amount, at the several periods when by the original contract they shall respectively become due.

An interest account will be kept, and the state of Michigan will be credited with interest by both institutions at six per cent per annum, from the date of the earliest coupon, which it is proposed shall be of the first of January next, up to the maturity of the instalments which shall respectively become due, and which instalments are to be drawn for on this institution, under their respective dates, by the Treasurer of the state of Michigan, at thirty days sight.

To enable us to carry out this measure, I must ask your prompt reply to this proposal, and if it meets your approval, that you will order the whole of the bonds to be sent from Detroit by a special messenger without delay.

I remain, respectfully,

Your ob't serv't,

E. R. BIDDLE, V. P.

His Excellency, STEVENS T. MASON,
Governor State of Michigan.

E. R. Biddle to S. T. Mason, Nov. 15, 1838.

OFFICE OF THE MORRIS CANAL AND BANKING CO., }
November 15, 1838. }

To His Excellency

STEVENS T. MASON,

Gov. of the State of Michigan :

Dear Sir—We received your favor of the 12th instant, in relation to making the sales of, and the deliveries of the six per cent

bonds of your state, as proposed in our communication to you of the 10th inst.

After consulting with those co-interested with us, in the contract and agency made with you on behalf of your state, we have come to the conclusion that as we see no prospect of benefiting you by declining the offer now made to us, we conform to your views as now expressed to us, viz :

"Can a better sale than the one proposed be effected, and would it be advisable or expedient to let the opportunity now presented pass?"

We have, therefore, closed with the party making the proffer to purchase the whole of the unsold balance of your stock at par, upon the terms mentioned in our letter of the 10th inst.

When we first assumed this agency, considering the large amount of the undertaking, and the importance of dividing the risk and combining larger influence in bringing it favorably into the European market, we invited several respectable individuals and institutions to unite with us. These parties have now consented to become purchasers of the portion held by them at par, and thereby enable us to report to you the entire close of your stock at that rate, less our commission.

We are free to confess, that the recent advices from Europe of the great and unexpected accumulation of American securities offered at low rates, and the fact that some of the most undoubted state stocks have been urged upon that market by banking-houses, whose connection with this country had led us to expect a different course, have inspired no little apprehension of unpleasant results, and have caused us for some time past, to feel that the commission stipulated for forms but an inadequate compensation for continuing the risk of the foreign market.

In corroboration of these views, it is in our power to state, that Charles Butler, Esq., of this city, whose reputation is known to you, and who is now in London, having in his charge the interests of one of the institutions concerned in the contract, writes under date of the 26th October, most discouragingly as to the prospects of a favorable result to the Michigan bonds held by the Messrs. Rothschilds, and of the apparent want of confidence in these securities. Other banking-houses of the highest respectability in London, give a very gloomy aspect to the feeling in regard to American securities, and the Great Western has actually brought back a large quantity of Arkansas bonds, payable in London, from utter inability to realize except at immense sacrifice.

In addition to all this, sterling six per cent Alabama bonds have recently been sold in this city at 103, and more are offered at the same rate, which would reduce the value of your bonds, (being payable in this country) to about 92.

Added to this, it is no small inducement for closing this sale, that by so doing we bring to the aid of your state all the influence which can be derived from the capital of the Bank of the United States, and the benefits of which may be experienced in the future financial transactions of Michigan.

I remain, with great respect,

Your ob't serv't,

E. R. BIDDLE, V. P.

Extract from the Letter of Charles Butler, Esq., dated London, 26th Oct., 1838, above referred to.

"I have seen the Messrs. Rothschilds several times within a few days, on the subject of the Michigan bonds, and find they have done nothing, nor do I find them any more favorably inclined towards them. I have said what I could to inspire them with confidence, and have urged them to hold on to the bonds until the period of disposition was more favorable."

Treasurer's Account, ending December, 1838.

State of Michigan.

In the following accounts with H. Howard, Treasurer.

DR.

To the following :

For cash on hand,	\$735,072 60
For balance due the Treasurer on general account,	
by own drafts on the Michigan state bank,	7,960 74
	<hr/>
	\$742,979 34

CR.

By the following balances, viz :

To credit of contingent fund,	\$1,023 16
University fund,	261 71
Sinking fund,	85,821 06
Internal improvement fund,	595,878 41
Allegan and Marshall railroad fund,	60,000 00
	<hr/>
	\$742,979 34

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Dec. 22, 1838.

S. T. Mason to E. R. Biddle, Nov. 11, 1838.

New York, Nov. 11, 1838.

Sir—Your favor of the tenth inst. communicating to me a proposition for the sale of the Michigan state bonds under the agency of the Morris canal and banking company, has been duly received.

It is with regret I perceive, that the state of the European market is such as to render the sale of the Michigan bonds a matter of hazard and doubt. My expectation under the contract with your institution was, to realize, at least, par on the stock, and it is with extreme disappointment that I have presented to me the probability of losing the two and a half per cent commission, which covers your charges. I still cling to the hope that an immediate sale may not be imperatively necessary. But as the negotiation of this loan has been a most thankless and perplexing undertaking on my part, I feel unwilling to advise you in the premises.

The contract gives you a free agency to act as the interests of the state of Michigan may require. The questions to determine are, can a better sale than the one proposed be effected, and would it be advisable or expedient to let the opportunity now presented pass? All this you must take the responsibility of determining. To the details of the proposition I have no objection, and only hope that you will be driven to an immediate sale under a proper regard to the interest of the state you represent.

I have the honor to be,

Your obed't serv't,

S. T. MASON.

E. R. BIDDLE, Esq., *Vice President, &c.*

Moneys received on account of Internal Improvement Fund.

Statement of moneys received on account of sale of Michigan state bonds to the Morris canal and banking company, as follows:

1838.

Jan. 7.	Gov. Mason's two drafts on Jno. Delafield, Esq.	\$90,000 60,000	
		_____	\$150,000 00
Jan. 3.	Oliver Newberry, on his contract,	\$30,000	

	Carried forward,	\$	\$

	Brought forward,	\$	\$
Feb. 6.	Oliver Newberry, on his contract,	81,000	
24.	do do do	50,000	
Sep. 19.	do do do	39,000	
		<hr/>	200,000 00
July 11.	Deposited in New York, by Governor Mason, to the credit of the Michigan state bank,	80,000	00
Aug. 1.	Gov. Mason's sundry drafts on Morris canal bank, 90 days,	250,000	00
Sept. 1.	do do do	100,000	00
Oct. 1.	do do do	100,000	00
Nov. 1.	do do do	100,000	00
Dec. 1.	do do do	100,000	00
June 16.	Gov. Mason paid in Morris canal bills,	\$10,397	70
	Governor Mason paid Prime, Ward & King's account,	8,963	30
	Gov. Mason paid Jno. Delafield's account,	639	00
		<hr/>	20,000 00
Dec. 12.	Bills of the Morris canal and banking company to apply on the January, 1839, payment,	100,000	00
	Gov. Mason's draft on Morris canal bank, ninety days,	\$4,580	00
	Gov. Mason's check on Michigan state bank,	50	00
	Bills of Morris canal and banking company,	95,370	00
		<hr/>	
	In full of February, 1839, payment,	100,000	00
		<hr/>	
		\$1,300,000	00
Credited to the internal improvement fund,		1,180,000	00
" " Ypsilanti and Tecumseh railroad company,		60,000	00
" " Allegan and Marshall railroad company,		60,000	00
		<hr/>	
		\$1,300,000	00

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 12, 1838. }

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Dec. 12, 1838. }

SIR—Annexed I hand you a statement of moneys received on account of Michigan state loan, which includes the bills of the Morris canal and banking company, deposited with me, as per my receipts therefor.

I am, very respectfully,
 Your obedient servant,
 H. HOWARD, *Treasurer.*

His Excellency Gov. MASON, Detroit.

*Opinion of Chancellor Kent and D. B. Ogden, Esqrs., on the
 Question of Boundary.*

New York, September 6, 1838.

SIR—I do myself the honor to enclose herewith an opinion on the question submitted under the concurrent resolutions of the legislature of Michigan. In pursuance of the liberty given me by your letters, I deemed it best and proper to associate David B. Ogden, Esq. of this city, with me as counsel. The case was submitted to him after I had examined it, but without any intimation of my opinion, until I found afterwards that he had arrived at the same conclusion. It appeared to me that Mr. Ogden stood in a rank for experience, judgment and character, with any of the profession, and was upon the whole, as unexceptionable and desirable as any associate I could select.

With the highest respect,
 I have the honor to be,
 Your Excellency's most obedient servant,
 JAMES KENT.

To his Excellency Gov. MASON.

Opinion.

The undersigned counsel, to whom his excellency the Governor of the state of Michigan submitted a concurrent resolution of the legislature of that state of the 6th of April last, by which he was requested to obtain the opinion of counsel touching the legal right of the state to the tract of land on its southern border, commonly called the disputed ground, and the best mode of prosecuting the claim of the state thereto, respectfully report :

That they have carefully and diligently examined and considered the case, and with all the anxiety to obtain the truth that the gravity of the questions and the dignity of the application excited.

They have seen and examined the following documents, which have either a direct or remote bearing upon the points submitted.

The ordinance of congress of July 13, 1787.

The act of congress of April 30th, 1802, ch. 40.

The constitution of Ohio of 1802.

The act of congress of February 19, 1803.

The act of congress of January 11, 1805, ch. 66.

The act of congress of May 20, 1812, ch. 88.

The act of congress of April 19, 1816, ch. 57.

The constitution of Indiana of June 29, 1816.

5 The act of congress of April 18, 1818, ch. 62.

The act of congress of March 2, 1827, ch. 57.

The constitution of Michigan of May 11, 1835.

The act of congress of June 15, 1836, ch. 99.

The act of congress of June 25, 1836, ch. 117.

The act of the legislature of Michigan of July 25, 1836.

The first convention of the people of Michigan of September 26, 1836.

The second convention of December 15, 1836.

The act of congress of January 26, 1837.

In communicating to counsel the concurrent resolutions of the legislature of Michigan, his excellency the Governor stated the following points as being those which were deemed to embrace the entire merits of the question at issue.

1. Had Michigan a just and legal claim under the ordinance of 1787 to the territory in dispute?

2. Was the subsequent action of the congress of the United States, depriving her of that territory, authorized and constitutional?

3. What is the binding force and effect of the assent of the people of Michigan, to the conditions of the act of congress, providing for the admission of the state into the federal union?

4. Was the assent of that convention the "common consent" required by the ordinance of 1787, for the alteration of the southern boundary of the state of Michigan, as established by the act of 1803?

5. Is the right of Michigan to the contested territory precluded, either by the action of congress or the assent of her own people?

6. If not, what is her remedy for regaining the jurisdiction over the territory, the power of the supreme court of the United States over the subject, and the proper mode of bringing the question before that tribunal?

1. In answer to the first question, we are of opinion that the

people of the territory of Michigan had a just and legal claim, under the ordinance of 1787, to the territory in dispute.

That ordinance established certain articles of compact between the original states and the people and states in the territory of the United States northwest of the river Ohio, which were to remain forever unalterable unless by common consent, and in and by one of these articles the boundaries of the states within the territories were to become fixed and established, and the eastern state, (now Ohio,) had its boundaries declared, and which were, on the north, the territorial line between the United States and Canada. But the boundaries of that and the other two western states were subject to be so far altered, that if congress should find it expedient, they should have authority to form one or two states in that part of the said territory which lay north of an east and west line drawn through the southerly bend or extreme of Lake Michigan.

Here was a clear stipulation, that an east and west line drawn through the southerly bend or extreme of Lake Michigan, was to be the boundary line between the three states, (and of which the eastern state or Ohio was one,) and any new state or states that might be formed north of that line, and that stipulation, was binding until withdrawn by common consent.

2. In answer to the second question, we do not know of any act or acts of congress, which can be deemed to partake of the character of depriving Michigan of the territory in question, prior to the acts of the 15th and 23d of June, 1836. The act of congress of April 30, 1802, for the admission of Ohio into the Union, and the act of congress of January 15, 1805, erecting the territory of Michigan, and the act of congress of May 20, 1812, for surveying the northern boundary line of Ohio, expressly recognized the Michigan line; and though the act of congress of April 19, 1816, for admitting Indiana into the Union, shifted the east and west line drawn through the southerly bend or extreme of Lake Michigan, to an east and west line, ten miles north of the other, yet the territory affected by that alteration of the line, is not part of the territory now in dispute. The alteration was made with the consent of Indiana, declared by her convention, and the territorial government of Michigan never questioned it. It passed by common consent.

The act of congress of the 15th June, 1836, was passed after Michigan had met in a state convention and adopted a constitution for herself as a separate state, and it recognized her territory as established by the act of congress of January 11, 1805. It was an act preparatory to the admission of Michigan into the Union, and made also, as its title purported, to establish the northern boundary of the state of Ohio. It declared that the northern boundary line of Ohio should be a direct line drawn from the southern extremity of Lake Michigan to the most northerly

cape of Miami Bay, &c. This was undoubtedly a change to the prejudice of Michigan, of the line established by the ordinance of 1787, and recognized in the subsequent acts of congress. But the statute further provided for the consent of Michigan to the alteration, by making her consent to that alteration an express condition of her admission into the Union, and which consent was required to be solemnly given by a convention of the people of Michigan. This condition, precedent, we are of opinion was unduly attached to the admission of that state, for the articles of compact in the ordinance of 1787, gave that state a right to be admitted into the Union whenever she had obtained the requisite number of inhabitants. The necessity of the consent of Michigan to the alteration of the boundary line thus unduly required, was evidence of the sense of congress that the alteration would not rest upon any secure foundation without it. But the subsequent act of the 23d June, 1837, without reference to any consent of Michigan, goes on to declare that the northern boundary of the state of Ohio should be established and extend to a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami Bay, &c. This was putting an end to the question at once, without waiting for the consent of Michigan to be given as required by the preceding act, and in our opinion those two acts did unauthorizedly, and in breach of the original compact of 1787, deprive Michigan of her right to the territory in question.

3. But in answer to the third question, and which will involve in it an answer to the remaining questions, for they all depend on the same principle, we are of opinion that the state and people of Michigan are bound by the consent given by the convention of the 15th December, 1836, to the alteration of their southern boundary line, and by their subsequent recognition of their lawful admission into the Union under that consent, and the act of congress of January 26, 1837, made in pursuance of it. The lawfulness of the convention which gave that consent is not now to be drawn in question. The state and the congress of the United States have equally assumed its act to be valid, and acted under it, nor can it be admitted for a moment that the second convention acted under duress and not freely. It was a matter resting in their sound discretion whether the convention would submit to their entrance into the Union upon the conditions annexed. The state of Michigan is now stopped by considerations of honor and dignity, and by her own solemn acts and recognitions, from denying the validity of her admission into the Union and from calling in question this day the binding force of the terms upon which she consented to become a member of the Union. The alteration in the north boundary line of Ohio has now been made by the "common consent" required in and by the ordinance of 1787; and

in our opinion Michigan has no remedy left her, that is known to the constitution and law of the land, by which she can lawfully disturb the boundary line as now settled.

JAMES KENT,
DAVID B. OGDEN,

New York, September 6, 1838.

Documents relative to the State Loan—Prime, Ward & King's Report, J. Delafield's receipt, &c.

New York, Nov. 16, 1838.

Sir—In reply to the communication which you addressed to us, on the 12th instant, desiring information on the subject of the Michigan loan, entrusted for negotiation to our Mr. King, under directions from your agent Mr. Delafield, we beg to enclose a copy of Mr. King's note of 28th April last, to Mr. Delafield, explaining the failure to effect the desired loan in Europe, which gives the needful information on that point. In relation to our valuations on London and subsequent reimbursement of their amount, we have to state that we acted under the explicit instructions of Mr. Delafield, as will be seen by reference to the enclosed copy of his letter to us, of 11th April last, but at that time he and we, here, were ignorant of the fact, that the bonds to extent of 300,000 dollars, were not in a form to be sold in Europe. Our reimbursements were made on the best terms in our power, and free from risk to the state of Michigan, charging the London commission, and one per cent for drawing and remitting, but of course without guaranteeing the state from loss upon the operation.

It is right to add explicitly, that it was for no convenience or profit to us, that these valuations were made, and that we were ready, at any moment, to advance our half of the amount agreed upon with your special agent when here, and it was undoubtedly believed that a fall in the rate of exchange would enable us to make reimbursement upon terms that would save any expense or loss to the state, which, unfortunately, proved otherwise.

We remain sir, with respect,

Your obedient servants,

PRIME, WARD & KING.

S. T. MASON, Esq.

Governor of the State of Michigan.

New York, 11th April, 1838.

Messrs. PRIME, WARD & KING—

GENTLEMEN: I have your letter of yesterday, stating that at my request as agent, and under our joint responsibility to reimburse the advance, if required, you had drawn upon Messrs. Baring, Bro's, & Co. of London, against the \$300,000, Michigan bonds consigned to them for sale.

Say on 31 March, £20,000	60 days at 5½	\$93,333 33
7 instant, 12,200 19 2	4½	56,666 67

£32,200 19 2	\$150,000 00
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At your request, I do hereby acknowledge the receipt of one hundred and fifty thousand dollars, advanced to the state of Michigan; and I engage individually, to refund to Messrs. Baring, Bro's & Co. one half of the amount drawn as above stated, on demand, with interest and commissions, in case of need, confirming the engagements set forth in your letter of the 10th instant,

I am, respectfully, yours,

(Signed)

J. DELAFIELD,

Agent for the State of Michigan.

Three parcels of Michigan bonds, amounting together to \$300,000, accompanied by Mr. Delafield's letter, of 29th November, transferring his agency, with an exemplified copy of the acts of Michigan, authorizing a loan of \$5,000,000 and an act amending the same, authorizing a rate of interest not exceeding six per cent, was received in London, in December, 1837. Preparatory negotiations had been entered into there with a prospect of success, in the anticipation that the amendatory act of Michigan would have been clear and explicit as to making principal and interest, both in sterling money, payable in London.

Said amendatory act, as also the original act, relating to these bonds, no where *expressly* and *directly*, nor in any way but by inference, authorized or permitted the payment of the principal abroad, although it was explicit as to such payment of interest, but it directly limited the rate at which payment of either or both should be made in London, at par, or four dollars forty-four one hundredths per £ sterling, although it required that any premium or gain of exchange upon negotiation should be accounted for to the state of Michigan.

That although the state might receive proceeds of the negotiation of bonds in sterling abroad, at a premium of ten per cent, yet it should only refund the money and pay the interest at par, in other words, to receive four dollars eighty-eight one hundredths,

per £ sterling, but to pay back four pounds forty-four one hundredths, per £ sterling.

It was then thought practicable to negotiate for bonds in dollars, principal and interest payable in New York, but the uncertainty as to the rates of exchange, rendered any probable price in London insufficient to cover limits ; an effort was made to obtain authority to draw for a given amount, upon leaving the bonds in London, if that would suit the state of Michigan, but as such authority, except after sales made, could not be obtained, no authorized course was left but to bring back the \$300,000 bonds, which has been done. The rate in London for a Michigan loan six per cent, interest and principal payable in New York, would probably be ninety per cent, equal at six per cent premium to ninety-five forty one-hundredths, without allowance for commission or charges for \$100 of stock.

Copy of note, dated 28th April, 1838, from J. G. King, to John Delafield, agent,

STATEMENT
Of Tolls Received upon the Central Railroad, from February first to December, 1888.

DATE.	PASSENGERS.		MERCHANDIZE.		FLOUR.		LUMBER.		SHINGLES.		WOOD.		Amount received at Detroit.	Amount received at Ypsilanti.	Aggregate Amount.
	No.	Amount.	Pounds.	Amount.	Bbls.	Amount.	Feet.	Am't.	Ms.	Am't.	C'ds	Am't.			
Feb'y to May 21, W'k ending	1515	\$1928 96	309626	\$920 62	46	\$16 47			6	\$3 00			\$18368 06		*\$18368 06
" " 29, June 5,	1211	1624 14	296003	871 25	69	25 42			15 1-2	7 75			2869 05	\$1247 66	2869 05
" " 12, " 19,	1428	1801 02	316944	916 64	42	15 75			69 1-10	30 79			1280 90	1620 96	2128 56
" " 19, " 26,	1397	1703 74	200714	545 07	104	37 82	3000	\$6	73 1-2	35 42			1143 24	1205 62	2764 20
" " 26, July 3,	1289	1728 27	253291	742 34	131	47 99	4000	8	5 1-4	2 63			1122 43	1491 23	2338 05
" " 3, " 10,	1161	1534 01	162494	458 97	78	28	17780	35 58					1038	1014 87	2529 23
" " 10, " 17,	976	1313 39	286432	559 65	356	106 45	7000	11 20	60 1-2	14 70			1014 69	1041 87	2056 56
" " 17, " 24,	923	1246 25	262476	478 74	224	67	5000	23 64	64 1-2	11 96			928 32	1077 07	2005 39
" " 24, " 31,	904	1244 01	85354	192 28	109	31 05	2700	9 70	70 3-4	14 75			865 49	962 10	1827 59
" " 31, Aug. 7,	686	932 51	45198	106 56	74	22 20	2000	5					772 77	719 02	1491 79
" " 7, " 14,	789	1062 62	210323	459 79	117	33 06	9925	19 84	32 1-4	5 98			502 98	563 29	1066 27
" " 14, " 21,	915	1071 37	218236	418 49	201	56 53	4003	8 63	31	6 39			668 73	912 56	1581 29
" " 21, " 28,	868	1172 73	139944	312 15	182	54 15	15748	18 99	43	7 94	10	\$2 50	736 91	824 50	1561 41
" " 28, Sept. 4,	832	1091 37	141492	335 08	178	51 10	4691	11 97	63 1-4	13 77			722 51	845 95	1568 46
" " 4, " 11,	880	1145 38	166560	353 43	595	177 25	14685	27 25	53	12 55	119	59 24	800 85	974 25	1775 10
" " 11, " 18,	1103	1536 87	261500	511 53	557	141 38		46		9 58			1116 79	1082 57	2199 36
" " 18, " 25,	1165	1610 38	351098	575 33	566	137 19	1214	2 84	15	3 06	18	11 25	1105 98	1234 07	2340 05
" " 25, " 2, Oct. 2,	947	1333 37	390534	591 65	671	157 66	7706	8 79	47	11 15	71	44 50	1136 83	1010 29	2147 12
" " 2, " 9,	1211	1664 49	469445	745 69	801	195 77	1888	5 63	5	10 39	150	94 15	1280 82	1435 30	2716 12
" " 9, " 16,	1071	1512 13	571867	951 12	817	196 50	10000	10 27		1 08	21	13 13	1236 36	1447 98	2684 26
" " 16, " 23,	993	1410 36	580800	957 41	724	178 72			60	13 20	58	36 25	1085 36	1510 58	2595 94
" " 23, " 30,	1173	1553 37	687005	1084 56	975	243 17			2	43			1304	1577 53	2881 53
" " 30, " 11,5	1583	76	752734	1382 44	1428	343 38			28	5 60			1348 66	1966 52	3315 18

STATEMENT, &c.—(Continued.)

Nov. 6,	850	1264 63	538619	920 65	1144	280 44	2220	60	123	23 43	1056 54	1359 20	2425 74
" 13,	917	1173 62	451892	849 89	1651	338 10			30	6 40	1097 80	1314 21	2412 01
" 20,	651	915 23	469969	1001 72	1050	247 59			26 1-4	5 07	869 90	1299 71	2169 61
" 27,	659	895 32	335791	743 10	865	211 06			59 1-4	14 04	911 95	951 64	1863 59
Dec. 4,	454	626 25	398473	862 15	771	190 13	3000	8 30	74 3-4	18 68	615 33	1117 64	1732 97
" 11,	432	605 37	299650	593 51	176	42 06				432 12	552 53	778 82	1330 85
" 18,	336	471 63	183921	407 03	348	87 25			90	121 1-4	372 21	593 70	965 91
	28751	\$38692	629792415	\$19848 87	\$150504	\$3804 64	\$114561	\$2232 32	\$1168 85-100	\$394 05	\$48614 86	\$33989 68	\$81604 54

RECAPITULATION.

Number of passengers, 23751,	\$38692 62
Pounds merchandise, 9792415,	19848 87
Barrels flour, 150504,	3804 64
Feet lumber, 114561,	223 32
Ms. shingles, 1168 85-100,	294 05
Cords wood, 6124,	373 98
	<hr/>
	\$63236 48
	18368 06
	<hr/>
	\$81604 54

Receipts by A. H. Adams,

Total,

*Received by A. H. Adams, previous to the appointment of collector.
Articles not specified, to and from Detroit and Ypsilanti.

AMOS T. HALL,
Collector of Tolls, Central Railroad, Detroit.

(No. 2.)

OFFICE OF STATE GEOLOGIST, }
Detroit, Jan. 1st, 1839. }**Report of the State Geologist, in relation to the improvement of State Salt Springs.***To the Honorable Legislature of Michigan :*

In compliance with your instructions, contained in the act approved March 24, 1838, entitled "An act for the improvement of the State Salt Springs," the undersigned respectfully submits the following report :

Immediately after the passage of the act, in order to avail myself of the most recent improvements upon the method of conducting this important work, as well as with a view to adopt such a course as would lead, in the most economical manner, to the results desired, I visited the principal salt wells of Ohio, Pennsylvania and Virginia, and although I had carefully examined many of them before, the numerous improvements which have been made, more particularly at Kanawha, in Virginia, rendered the examination, in a high degree, interesting and profitable. Another object which influenced me in these examinations, was the desire of comparing carefully, while the subject was still fresh in my mind, the precise condition of our own springs, with those similarly situated in the neighboring states.

The close analogy in situation, existing between the springs in the states enumerated and those in our own state, as set forth in a former report, will be borne in mind, together with the necessity for adopting a similar method of improvement. The salt springs of New York, it was there stated, are so very differently situated, that a satisfactory comparison with them can scarcely be instituted at this time, and any attempt to improve the water of our own springs upon the plan there pursued, would, most assuredly, prove valueless ; but when water of sufficient strength and purity, and in sufficient quantity, has been obtained, the policy of management adopted by the state of New York, may readily be applied to our own state, and will undoubtedly be preferable to any other which could be devised.

The brine springs of our state, like those of Ohio, Pennsylvania and Virginia, emanate from a rock which lies deep, being covered with a mass of rock and earthy matter, which, (in order to procure salt water that can be economically used,) it is necessary to penetrate. In this respect, they differ most essentially from

those of New York, for in that state a simple earth excavation has proved amply sufficient to ensure an abundant supply of water of a superior quality. In the other states to which reference has been made, I am not aware that any spring has furnished water in quantity or strength sufficient for economical purposes, by a simple earth excavation, nor has the water been very materially improved by any work of that kind.

In those portions of the states last mentioned, where the geological arrangement of the rocks is such as to admit of obtaining salt water, the salt rock lies at a considerable depth, and is overlaid by strata of sandstone, limestone, slate, &c., and through fissures in these overlaying rocks the salt water, much diluted by the influx of fresh water, originally rose to the surface. In order to procure water of sufficient strength and purity, it has been found indispensable to penetrate the overlaying rocks, as well as a portion of the rock from which the salt water flows. The depth to which it has been found necessary to sink, varies from three hundred and fifty to one thousand feet, the deep borings for the most part, furnishing water of a strength superior to the more superficial ones. This variation in the depth to which it is necessary to carry the borings, depends, chiefly, upon the inclination of the salt rock, and by keeping in view the general inclination of that rock, together with the elevation of the country, can be determined with nearly as much certainty before operations have been commenced, as after they have been completed.

The appearance of a salt spring at the surface, is, of itself, very far from being evidence of the existence of water of value in the rock below; it is only a single link in the chain of facts, for in very many instances water of considerable strength appears at the surface where no permanent supply of sufficient strength and purity to be of any practical value could be obtained by the most complete borings, and some of the most valuable springs have been brought to light by improvements, where, originally, no salt water appeared upon the surface. A complete elucidation of this subject does not properly come within the scope of the present report, and allusion is made to the facts as they exist, simply with a view of rendering the character of the improvements proposed more intelligible than they would otherwise be.

Having called your attention to the close similarity which exists between the salines of our own and the states last mentioned, you will be prepared to appreciate the necessity of adopting a similar method of improvement. Your attention is more particularly called to this subject from the fact that many of our citizens having been familiar with the condition of the salt springs of New York, and erroneously looking upon our own as similarly situated, are unprepared to realize the different character of im-

improvements required. At the Onondaga springs, a simple shaft has been found sufficient to furnish an ample supply of water highly charged with saline matter ; but improvements of this character, simply, would be of no value at any of the springs I have examined in Michigan, and I can safely say that no point will ever be found in this state, where improvements of that character will, alone, lead to any practical results.

In commencing the improvements directed, it was deemed desirable to select two points for operations, where, all circumstances combined, rendered it most certain they would lead to a successful termination. Two places were selected rather than one, from the slightly different circumstances under which the salt springs occur ; a difference which would still leave the subject in doubt should the experiment result unfavorably at a single point. As a matter of economy, it was considered desirable to pursue both these works at the same time, from the fact that the two improvements can be proportionably much more economically conducted in concert than either of them alone. Feeling the importance of settling the question fairly, these points were selected with much care, and it is believed they are quite equal, if not superior to any which could have been chosen in the state. The principal facts connected with this subject were laid before you in a former report, from which you will be enabled to draw conclusions as to the probability of eventual success ; but since the date of that report, many facts have been elicited which would serve to increase our confidence on that subject. The water of these springs is quite equal in strength and purity to that of any of the springs of the western states before noticed, as they originally existed ; the geological situation of the country is such as to lead to favorable conclusions, and should there be a failure of eventual success, it may safely be said it will depend upon causes which could not possibly have been calculated.

The state salt lands on the Tittabawassa river, in Midland county, are peculiarly eligibly situated, being a few miles below the head of navigation of that stream, and embracing the mouth of Salt river. A re-examination of this saline district, showed it to be more extensive than had been supposed, and it was in consequence of this, in connection with the strength and purity of its numerous springs, deemed a strong point for commencing operations.

The time occupied in making these preliminary examinations prevented the commencement of active operations at the point selected until near the middle of June ; and separated as it is from settlements, it became necessary, first, to make arrangements for rendering those comfortable who should be engaged in the work. A house was first erected and sufficient ground cleared from timber to prevent annoyance from mosquitoes, since which a shaft

has been commenced at a point about half a mile below the mouth of Salt river, on the direct bank of the Tittabawassa river. Much difficulty was at first encountered in sinking the shaft, from the presence of quicksand, but this was at length surmounted, since which the work has progressed with as much rapidity as could have been anticipated.

As this shaft is commenced directly upon the bank of the river, it was deemed advisable, in order to secure the works more perfectly, as well as for other purposes, to erect a wharf, which was accordingly done. It is proposed to sink this shaft, already commenced, to the rock, which may be estimated to lie at a depth of something over one hundred feet, and to secure it carefully from the influx of fresh water. Having accomplished this, the salt rock which will probably be found, at this point, to lie at a depth of between five and seven hundred feet, will be reached in the usual manner, and until this be fully accomplished, we cannot hope to arrive at any satisfactory conclusion upon the subject.

During a portion of the months of August, September and October, this work was partially suspended in consequence of the sickness of those employed in carrying it forward.

Circumstances connected with my other state duties prevented a re-examination of the state salines on Grand river until about the middle of July, soon after which operations were commenced at the point selected; three miles below the village of Grand Rapids and upon the direct bank of the river:—But in consequence of the excessive heat of the season and the exposed condition of the men employed, nearly all those engaged upon the work became unfit for duty by sickness, and more than two months elapsed before I was enabled to renew the work successfully, although other hands had been employed and sent on in the mean time. They also became unfit for duty from a similar cause.

A neat and commodious house has been erected at this place, a portion of the timber for a dock, to secure the works, prepared, and I have men, now, busily engaged in clearing grounds and taking all the necessary preliminary steps for commencing a shaft. A steam engine has been procured and some of the machinery prepared for commencing work upon the shaft, and this work would have been already commenced had the condition of the appropriation warranted such a step. The distance to the rock being, at this point, comparatively short, the expense of sinking the shaft will not be great, but the amount of rock boring required will not vary much from that at the Tittabawassa salines. I should also add that a conditional contract has been made with a man of great practical experience in rock boring, at the Kanawha salines, in Virginia, to take charge of that portion

of the work in this state, and had the appropriation been sufficient, he would have commenced work before this time.

In regard to the importance of this point for the commencement of these improvements, it will probably be sufficient to refer you to my report of last year, on this subject, barely adding that the examinations of this year have added confidence to my hopes of success, if the operations be continued to a final result.

Other points might have been selected where little doubt can be entertained but salt water could be procured, and where operations could be conducted at a less expense, but at this stage it was deemed of the utmost importance to select such springs only as bid most fair, and such as would, in the event of a failure to realize our expectations, render it forever unnecessary to make further attempts. Should the works already commenced prove of value, it will, no doubt, be found for the interest of the state to make similar improvements at other points, but, for the present, those commenced are amply sufficient.

It would hardly have been expected, from the small amount appropriated for the improvement of our springs, that very much except to take the preparatory steps could have been accomplished, yet under ordinary circumstances no more than this amount would have been required. The sickness of the past season has been such as to embarrass our operations very much, and this embarrassment was increased in consequence of the difficulty of supplying with fresh hands the places of those who became unfit for duty in consequence of sickness. Compelled to live, for a time, until buildings could be erected, more exposed than usual, much annoyed by mosquitoes, in connection with the extremely hot weather, the men employed sickened and were nearly all, for a length of time, unfitted for labor. Their places were supplied with fresh hands as soon as circumstances would permit, and the work pressed forward with all possible despatch.

There has been expended at the works on Grand river, including the expense of erecting a house and the purchase of a steam engine, the sum of one thousand seven hundred and sixty-seven dollars, fifty-two cents; and at the works on the Tittabawassa river the sum of two thousand one hundred and eighteen dollars, sixty-seven cents, amounting in total to three thousand eight hundred and eighty-six dollars, nineteen cents, a schedule of which disbursements, with the proper vouchers, will be duly laid before you.

It will be seen by this statement that the expenditures have exceeded the appropriation in the sum of \$886 19. I had proceeded with the utmost precaution in order to avoid a result of this kind, but the increased expenses incident upon supplying the places of those workmen rendered unfit for duty in consequence of sickness, as well as unlooked for difficulties and expenses con-

ned with the transportation of provisions, &c., rendered it impossible to make accurate estimates, for which reason, after the principal expenses had been incurred, I was under the painful necessity either of leaving the work at a season of the year most favorable to conduct the operations, or to exceed the amount appropriated for that purpose. Had a different course been pursued, the state would have been subjected to great loss and delay in the progress of the works, which has thus far been avoided, and notwithstanding the condition of the funds, I am still continuing the work, though in a manner which will render the expenses considerable.

The commencement of a work of the character of that under consideration, necessarily involves the expenditure of an amount for the erection of houses and work shops, for clearing grounds, for machinery, for implements, &c., which must render the first expenses much greater than those which will follow. In consequence of the limited amount appropriated for that purpose, only a portion of this has been accomplished, and the sum which will be required for a successful continuance of the work, will, therefore, be considerably larger than would otherwise be necessary.

With a sufficient appropriation for the current year, we may hope to be able to make such additional improvements in the grounds as will be required, to erect work shops, &c., to complete the shafts to the rock, and secure them from the influx of fresh water, and unless some unlooked for accident should occur, to sink with the augur through four hundred feet of rock at each place, making the sum total, as estimated, inclusive of earth excavation, nine hundred and seventy feet. There will be required for this purpose, under a system of rigid economy, the sum of \$12,350, which estimate will include the amount of \$886 19 before stated to have been advanced upon the work in progress.

In closing this subject, I cannot refrain from alluding to the present state of the salt spring lands. The fact that we have a grant of seventy-two sections of land, located in different portions of the state, much of which might be made available, yet producing no revenue, is one which deserves attention. Situated as these lands now are, they are subject to constant waste from the loss of timber by intruders—a source of loss which is daily increasing. Some portions of these lands, which will never under any contingency be required for salt purposes, may be made available by lease, at once, the only course which can be pursued in conformity with the act conferring the grant, while the measures now in progress will fully test the condition of the most marked springs, and either lead to a result which will add much to the prosperity of our state, or teach us that some other method will be required to render the large amount of salt lands held by the state of any real value.

It is desirable, therefore, in order that the whole subject may be placed in that situation which will prove most beneficial to the state, that the works now in progress be pursued to a final result as speedily as possible, for until it be done, no decisive steps can be taken with any other than a portion of the lands, and the interest upon the amount which is thus lying idle would soon make a return of the amount expended by the state in making the improvements. With this view of the subject, laborious as is the task of conducting these operations, in connexion with the other severe duties I am called upon to perform, the task is made light by the hope that in the end it may not fail to lead to results of the most vital importance to the prosperity of our young state.

All which is respectfully submitted.

DOUGLASS HOUGHTON. ,

(No. 3.)

State Treasurer's Report.

STATE TREASURER'S OFFICE,
Detroit, December 31st, 1838.*Hon. President of the Senate of Michigan :*

SIR—In compliance with the laws regulating the duties of Treasurer, I herewith present the following statements of the business of this department, for the year 1838, viz:

1st. A statement of the current expenses, for general purposes.

2nd. A statement of receipts, from all sources, applied to the payment of the current expenses.

3rd. A quarterly account current with the general fund.

4th. An account current with the sinking fund.

5th. An account current with the contingent fund.

6th. An account current with the penitentiary fund.

7th. An account current with the Ypsilanti and Tecumseh railroad company.

8th. An account current with the Allegan and Marshall railroad company.

9th. A statement of the bank fund.

10th. An account current with the internal improvement fund.

11th. A summary statement of funds on hand, and to what account they stand due.

12th. A statement of moneys received on account of sales of state stocks, and how applied.

13th. An estimate of expenses for the support of government for the year 1839.

14th. An estimate of receipts applicable to the support of government for year 1839.

The expenses of the state for general purposes, for the year 1838, amount to the sum of \$168,485 09, to which add balance due the Michigan state bank, on the first day of January last, \$15,067 92, makes the total expenses of the state for the year 1838, amount to the sum of \$183,553 01.

The receipts from all sources, applied to the payment of the above, including \$80,000 returned from the internal improvement fund, amount to the sum of \$171,999 77, leaving a deficit in the receipts to meet current expenses, of \$11,553 24, which has been made up by an overdraft on the Michigan state bank, and to which amount the state is indebted this day.

I deem it my duty to present another view of this branch of the state expenditures, that the legislature may be made acquaint-

ed with the true state of this department, in this respect, and provide the means of meeting the contingency. By deducting the \$80,000 returned from the internal improvement fund, from the receipts, which has been applied to meet the current expenses—but which does not properly form a part of the ordinary revenue—it will be seen the actual amount received from all other sources, falls short of meeting the demands on the treasury for this branch of the public expenditures, in the sum of \$91,558 24, which has been made up, as before stated, by the \$80,000 returned from the internal improvement fund, and by overdraft on the Michigan state bank, for the balance. The ordinary receipts of the state, applicable to the payment of its current expenses, except from direct taxes, are limited; and even including taxes, are at present inadequate to the support of government. It will, therefore, be highly necessary, that this department may not be embarrassed for funds, that early measures should be adopted by the legislature, to provide for this branch of the public service.

I submit statements of the probable receipts and expenses for the year 1839—the former is estimated at \$117,672, and the latter at \$124,778. Nominally, the amount of estimated revenue, including taxes due for years 1836 and 1837, and assessments for the year 1838, is nearly sufficient to meet the estimated expenses of the state; but, as a large amount of the revenue is to be derived from taxes alone, and as the taxes already due, are probably from non-resident lands, and as the assessments for 1838 will not reach the treasury till quite late in the year, and perhaps be subject to the same contingency the receipt of taxes heretofore has been—delay in the collections and transmissions to this office—I would respectfully suggest, in order to obviate the difficulty which this department will labor under, for want of funds, that temporary loans be made from our banks, for a length of time sufficient to enable the taxes already due and coming due, for 1838, to be made available to the treasury. The collection of the amount due from taxes, for the years 1836 and 1837, may be much facilitated, by so amending the revised statutes, relating to the return of delinquent taxes to the Auditor General's office, and the issue of state stocks by the State Treasurer, that the taxes due previous to the adoption of the revised code may be included; by which means the state will, from the sale of its stock, in all probability, be put in funds at a much earlier period, than by the ordinary mode of collections and transmissions through the several county treasuries; public convenience will also be promoted, and the treasury be made speedily replenished to the amount now due from that source.

Including the balance on the first day of January, 1838, to the credit of the internal improvement fund, amounting to \$80,543 55, the receipts from sale of state stocks and the five per cent on the

United States land sales, placed to the credit of that fund, amount to the sum of \$1,265,536 51; and the amount drawn from that fund is \$679,551 83, leaving an unexpended balance of \$585,986 68 this day.

There is a balance to the credit of the sinking fund of \$80,562 45, applicable to the payment of interest on state stocks issued for the purpose of internal improvements.

Under the "Act authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the Ypsilanti and Tecumseh railroad company," approved April 6, 1838, sixty thousand dollars, out of funds arising from the sale of state stocks, has been paid to said company, upon evidence filed in this office; that the securities required to be given had been perfected and filed with the Auditor General.

Under the "Act authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall railroad company," approved April 6, 1838, the sum of sixty thousand dollars, from the sale of state stocks, has been passed to the credit of that company, subject to draft of said company, upon securities being perfected and filed according to the above act.

Agreeable to law, state stocks have been issued during the year for the following purposes, and to the following amounts, viz: under "An act to provide for the relief of Detroit and Pontiac railroad company," approved March 5, 1838, the sum of one hundred thousand dollars has been delivered to said company, securities having been perfected and filed according to law. Under "An act to authorize a loan of a certain sum of money to the University of Michigan," approved April 6, 1836, state stocks for the sum of one hundred thousand dollars have been delivered to the Board of Regents, the requirements of the act authorizing the issue, having been complied with. And under "An act authorizing the building of the state penitentiary," approved March 22d, 1838, the sum of twenty thousand dollars, and the proceeds of which, amounting to the sum of twenty thousand eight hundred and fifty-three dollars and thirty-five cents, has been paid to the commissioners superintending the penitentiary, as per account rendered.

Respectfully submitted.

H. HOWARD, *Treasurer.*

DOCUMENTS.

(No. 1.)

Statement of the current expenses of the State for general purposes, for year 1838.

Statement of expenses for general purposes, for the year 1838, including the expenses of the November session of the legislature, year 1837, as per warrants paid the following persons :

1838.

Jan. 1.	Paid Epaphs. Ransom, one quarter year's salary, associate justice, ending Dec. 31,	\$375 00
3.	John Goodrich, for compensation for his services in transcribing and transporting the records of the circuit court of the county of Oakland to the office of the supreme court, Detroit,	12 00
5.	Jno. E. Schwarz, one quarter year's salary as adjutant general, up to Dec. 31, 1837,	31 25
	Wm. A. Fletcher, one quarter year's salary as chief justice, ending Dec. 31, 1837,	400 00
6.	George Morell, one quarter year's salary as associate justice, ending December 21, 1837,	375 00
	K. Pritchette, one quarter year's salary as Secretary of State, ending December 31, 1837,	250 00
15.	D. Houghton, State Geologist,	6,000 00
	Elijah Ely, one of the committee in case of Geo. Morell,	45 45
	John Berry, services as enrolling clerk,	39 00
	John Norton, jr., fiscal agent, for pay of members of the Senate and House of Representatives,	12,491 30
	John Norton, jr., fiscal agent, for pay of members of the legislature, and other expenses,	3,632 94
		<hr/> 16,208 69
19.	John Norton, jr., fiscal agent,	

Carried forward,

\$

	Brought forward,	\$	\$
	for pay of members of legislature,	706 50	
Jan. 19.	John Norton, jr., fiscal agent, for pay of J. S. Bagg, and Bagg, Barns & Co., account for printing and stationery furnished both houses of the legislature,	7,403 99	
	L. L. Mason, six days attendance and mileage in case of G. Morell,	7 06	
		<hr/>	8,117 55
23.	Michigan state bank, balance of interest due January 1, 1838,	769 31	
26.	E. N. Bridges, one quarter year's salary from September 21st to December 21, as Bank Commissioner, \$1,000,	250 00	
	C. C. Jackson, one quarter year's salary as private secretary to Executive,	125 00	
		<hr/>	375 00
29.	Wm. Driggs, as witness in case Geo. Morell,	4 00	
Feb'y 5.	John Norton, jr., fiscal agent, pay certain members legislature,	325 00	
	John Norton, jr., fiscal agent, pay certain members legislature,	401 00	
		<hr/>	730 00
	Horatio James, witness in case G. Morell,	5 75	
8.	K. Pritchette, salary as secretary of state from Jan. 1 to Feb. 5,	100 00	
9.	S. Van Nest, witness before a committee at Monroe,	15 00	
	Geo. Sedgwick, services rendered commissioner in revising laws,	65 00	
		<hr/>	80 00
13.	Rial Irish, witness in case of Geo. Morell,	7 12	
15.	Thurber, Halslack and Barbour, in case of Geo. Morell,	9 19	
		<hr/>	
	Carried forward,	\$	

HOUSE DOCUMENTS.

51

	Brought forward,	\$	
Feb. 21.	F. Cowdery, recording journal adjourned session of legislature,	35 00	
Mar. 1.	Internal improvement fund—this amount loaned the commissioners,	7,224 84	
2.	Wm. F. Shepard, witness in case Geo. Morell,	6 40	
3.	Jno. Norton, jr., fiscal agent, sundry expenses of legislature,	230 75	
	Jno. Norton, jr., fiscal agent, sundry expenses of legislature,	171 00	
	Jno. Norton, jr., fiscal agent, paid Wm. Moore,	3 00	
	Jno. Norton, jr., fiscal agent, several witnesses in case G. Morell,	11 50	
	Henry C. Bunce, for Calhoun county Patriot,	5 00	
		<hr/>	421 25
6.	Robt. Abbott, Auditor General, and H. Howard, Treasurer, postage, (off.)	30 00	
14.	E. Farnsworth, one quarter year's salary, ending Dec. 31, 1837,	375 00	
28.	P. Morey, half year's salary, from Sept. 21, 1837, to 21st March, 1838, \$400,	200 00	
	Geo. W. Wisner, as member of the legislature and mileage,	163 50	
	John Gallaway, witness in case Geo. Morell,	2 50	
	Daniel Pittman, inspector 3rd division militia,	70 00	
		<hr/>	436 00
	C. H. Hooker, repairing and cleaning state arms,	300 00	
	Thos. J. Drake, counsel in case Geo. Morell,	40 00	
		<hr/>	340 00
April 2.	Governor Mason, one quarter year's salary, ending March 31, 1838,	500 00	
		<hr/>	
	Carried forward,	\$	\$

	Brought forward,	\$	\$
April 2.	Jno. E. Schwarz, one quarter year's salary, ending March 31, 1838,	31 25	531 25
3.	Geo. Morell, one quarter year's salary, ending March 31, 1838,		375 00
4.	Epaphs. Ransom, one quarter year's salary, ending March 31, 1838,	375 00	
	Samuel Forsyth, for bread furnished militia,	6 25	
	S. N. Gantt, witness in case of Geo. Morell,	10 63	391 88
7.	H. Howard, one quarter year's salary as treasurer, ending March 31,		125 00
11.	Elon Farnsworth, one quarter year's salary as Chancellor, ending March 31,	375 00	
	Half year's instalment, interest due May 1, 1838, on \$100,000 state stock, payable at Phoenix bank, N. Y.,	3,000 00	3,375 00
14.	Morse and Brother, stationery furnished Executive, Secretary of State, and Treasurer's offices,	56 05	
	C. J. Walker, editor Grand River Times, papers,	3 00	
	H. A. Mansfield, services taking census of Monroe co.,	30 00	
	Wm. A. Fletcher, chief justice, one quarter year's salary, ending 31st March,	400 00	
	Wm. A. Fletcher, services revising laws, one quarter year, ending 8th March,	375 00	
	John S. Bagg, advanced him on account printing state laws,	5,000 00	
	S. McKnight, Quartermaster		
	Carried forward,	\$	\$

	Brought forward,	\$	\$
	General Michigan militia, pay of sundry persons,	114	17
April 14.	Jno. Norton, jr., fiscal agent, pay of sundry members of the legislature,	22,279	50
	Interest on \$10,000 Palmyra and Jacksonburgh railroad state stock falling due May 1, 1838, at Manhattan bank, New York,	3,500	00
	O. Marsh, services as librarian,	291	00
		<hr/>	28,998 72
18.	Jno. Norton, jr., fiscal agent, several warrants for pay of members and other expen- ses of the legislature, viz : one for \$326 00, one for \$1,- 399 50, one for \$1,123 26, one for \$8,250 51, one for \$947 81,	12,047	08
		<hr/>	12,047 08
20.	L. M. Mason and Ira Porter, witnesses be- fore committee investigating locations of the northern and southern railroad,		15 00
21.	Jno. Norton, jr., fiscal agent, warrants for pay of mem- bers and other expenses of the legislature, viz ; one for \$150 17, one for \$888 00, one for \$307 78,	1,345	95
		<hr/>	1,345 95
	E. J. Roberts, salary as commissioner su- perintending publication of the revised laws up to April 20,		270 00
23.	Thomas Fitzgerald, salary as Bank Com- missioner up to April 18,		312 50
14.	A. Fuller and Ira Davis, witnesses in case of Geo. Morell,		5 62
25.	Jno. Norton, jr., fiscal agent, sundry war- rants, each \$8, \$6, \$35,		49 00
	B. Farrand, this amount loaned him,		800 00
26.	John Gibson, services attending supreme court,		120 50
27.	Lemuel Goodell, services as member of		
	Carried forward,	\$	\$

	Brought forward,	\$	
	court martial, first division brigade in-		
	spector,		41 00
April 28.	John Norton, jr., fiscal agent, sundry ex-		
	penses legislature,		454 19
May 4.	Michigan state bank: this am't		
	borrowed of said bank,	\$40,000 00	
	Interest on do. from January		
	1st to May 4,	925 00	
		<hr/>	40,825 00
	A. Felch, Bank Commissioner, one quarter		
	year's salary up to May 2,		312 50
May 11.	Paid Messrs. Burch & Field		
	for teaming arms, &c. from		
	Fort Gratiot to Detroit,	40 00	
	K. Pritchette, Bank Commis-		
	sioner, one quarter year's sa-		
	lary ending May 7,	312 50	
	H. B. Webster, his account for		
	iron safe, &c., for Treasu-		
	rer's office,	42 95	
	Jno. Norton, jr., fiscal agent,		
	sundry warrants for the ex-		
	penses of the legislature,		
	\$29, \$94, \$93, \$46 43, \$13		
	68.	436 05	
		<hr/>	831 50
16.	A. Chandler, services as re-		
	cording clerk to the legisla-		
	ture, bringing up Journal,		
	&c., \$154, \$42,		196 00
18.	John Norton, jr., fiscal agent,		
	pay of George Combs, assis-		
	tant messenger, \$97, and B.		
	Irish, witness in case of Geo.		
	Morell, \$12 62,		109 62
20.	Robert Abbott, postage on let-		
	ters and other documents,	25 00	
	Messrs. Dunbar, services as		
	musicians to Toledo with		
	militia,	36 00	
		<hr/>	61 00
21.	Jno. Paschall, witness in case		
	of Geo. Morell,	\$3 56	
	Jno. Norton, jr., fiscal agent,		
	Carried forward,	\$	\$

	Brought forward,	\$	\$	
	witness fees in case of Geo. Morell and investigating locations of northern and southern railroads,	13 80		
May 21.	Reuben Stoddard, transporting volunteers from Monroe to Gibraltar,	5 00		
		<hr/>	22 86	
23.	George Clark, provisions furnished the militia in going to and returning from Toledo,	90 00		
	John Norton, jr., fiscal agent, witness in case of Geo. Morell, \$9 60, and Anthony Ten Eyck, superintending publication of journals, preparing index to the same, as per appropriation 1837, \$150,	150 60		
		<hr/>	249 60	
31.	John Norton, jr., fiscal agent, pay of two members of legislature,		321 00	
	Douglass Houghton, Geologist, one quarter year's salary ending May 31,	500 00		
June 8.	C. C. Douglass, assistant geologist, one quarter year's salary ending May 31,	200 00		
	Belah Hubbard, assistant geologist, one quarter year's salary ending May 31,	200 00		
	Wm. B. Smith, as sub-assistant in charge of department of mechanical zoology, in geology department, one quarter year's salary ending March 31,	250 00		
	Obed Lacey and Zebulon Mason, witnesses investigating locations of northern and southern railroads,	40 50		
		<hr/>	1,190 50	
13.	Contingent fund, per act appropriation March 23, 1837,		2,000 00	
	Carried forward,	\$	\$	

	Brought forward,	\$	
June 14.	John Norton, jr., fiscal agent, paid Henry Clitz,		97 00
15.	Randolph Manning, one quar- ter year's salary ending May 8,		250 00
16.	A. Sager, services as zoologist of the geological department from March 1 to June 1, \$1,300,	\$375 00	
	Jno. Wright, services as bota- nist, one quarter year's sala- ry from March 1, to June 1, \$1,300,	375 00	
	Geo. H. Bull, services as sub- assistant to botanical depart- ment, one quarter year's sala- ry up to June 1, \$800,	200 00	
	Austin M. Gould, books fur- nished the supreme and cir- cuit courts,	19 50	
		<hr/>	969 50
21.	R. Partridge, one of the Hay- den band in Toledo militia,		12 00
22.	James Mulholland, for appre- hending a man by name of Brown, on a warrant of the Governor,		36 00
28.	Messrs. Collins, Keese & Co. account, books for the libra- ry,		438 46
29.	Edward Mundy, services as acting governor at different times previous to January 1, 1838,		666 00
30.	Epaph's Ransom, one quarter year's salary, assistant jus- tice, up to June 30,	375 00	
	H. Howard, one quarter year's salary as Treasurer,	125 00	
	Joseph Pierce, services in mili- tia as one of the Hayden band,	12 00	
		<hr/>	512 00
July 2.	George Morell, one quarter		
	Carried forward,	\$	

	Brought forward,	\$	\$	
	year's salary as assistant justice to June 30,	375	00	
July 2.	John E. Schwarz, one quarter year's salary as Adjutant General,	31	25	
	Stephen Rivers, witness in case of Geo. Morell,	3	13	
				409 38
3.	Gov. Mason, one quarter year's salary up to June 30,	500	00	
	Robert Abbott, postage on letters and other documents,	25	00	
				525 00
5.	John Norton, jr., fiscal agent, witness for investigating locations of the northern and southern railroads,	41	00	
	John Norton, jr., fiscal agent, witness for investigating locations of the northern and southern railroads,	7	16	
				48 16
6.	Wm. A. Fletcher, one quarter year's salary as Chief Justice to June 30,	400	00	
	E. Farnsworth, one quarter year's salary as Chancellor to June 20,	375	00	
	John Norton, jr., fiscal agent, expenses investigating locations of the northern and southern railroads, \$94, \$8 17,	102	17	
	C. C. Jackson, one quarter year's salary as private secretary to Executive,	125	00	
	P. Morey, one quarter year's salary as Attorney General,	100	00	
	S. W. Higgins, one quarter year's salary as topographer,	250	00	
				1,377 17
13.	O. D. Richardson, services one week revising the laws,	25	00	
	John Norton, jr., fiscal agent,			

Carried forward,

	Brought forward,	\$	\$	
	paid A. Ten Eyck as clerk of the House of Representa- tives,			75 00
July 13.	Wm. Taylor, jr. John Smith, and Albion Bennett, each \$12, services as members of the Hayden band with the militia at Toledo,			36 00
21.	H. Gilbert, for Kalamazoo Ga- zette,			3 00
23.	R. Abbott, for individual ex- penses from Nov. 1834, to Sept. 1836,			80 00
25.	R. Abbott, stationery, office rent, as per appropriation April 6, 1838,			75 00
Aug. 3.	E. B. Harrington and E. J. Roberts, commissioners su- perintending publication of the revised laws, Harrington \$540, Roberts \$270,			810 00
6.	Thomas Fitzgerald, as Bank Commissioner from April 18 to July 5, \$1,250 per year,			267 35
10.	A. Felch, one quarter year's salary as Bank Commission- er, to August 2,	312 50		
	K. Pritchette, one quarter year's salary as Bank Commission- er, to August 2,	312 50		
	R. Manning, one quarter year's salary as Secretary of State, to August 8,	250 00		
		<hr/>		875 00
11.	Wm. S. House, witness inves- tigating locations of northern and southern railroads,			14 00
13.	J. P. Richardson, witness in case of George Morell,	1 50		
	R. R. Belding, witness in case of George Morell,	3 50		
		<hr/>		5 00
14.	S. Poupard, transporting one box of books, for library,			7 52
				<hr/>
	Carried forward,		\$	

HOUSE DOCUMENTS.

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	Brought forward,	\$	
Aug. 15.	Timothy Emerson, services as one of the Hayden band,	12	00
	R. W. Ingalls, for Adrian Watch Tower, paper,	3	00
18.	R. Abbott, postage on letters and other documents,	25	00
21.	Jno. Norton, jr., fiscal agent, witness investigating the locations of the northern and southern railroads,	25	47
	J. D. Pierce, Superintendent Public Instruction, one half year's salary from Jan. 1 to June 30, inclusive, \$1,500,	750	00
29.	John Norton, jr., fiscal agent, expenses of witnesses investigating locations of northern and southern railroads,	\$55	61
	J. R. Bowman, as a member of House of Representatives,	15	00
		70	61
Sept. 1.	S. W. Higgins, one quarter year's salary as topographer, ending August 31,	250	00
4.	Belah Hubbard, one quarter year's salary as sub-assistant geologist,	200	00
	C. C. Douglass, one quarter year's salary as sub-assistant geologist,	200	00
	William P. Smith, one quarter year's salary as sub-assistant geologist from June 1 to August 22,	226	00
	D. Houghton, one quarter year's salary as Geologist, ending August 31,	500	00
		1,126	00
7.	Robert Abbott, one half year's salary as Auditor General, to June 30,	250	00
8.	G. H. Bull, one quarter year's salary as minor assistant botanist, to August 31,	200	00
10.	John Norton, jr., fiscal agent, P. Morey, Attorney General, salary up to August 31, \$77 96, and J. J. Adam for preparing for publication the journal of the Senate, adjourned session, 1837, \$150 00,	227	76
11.	Paid E. B. Harrington, commissioner superintending publication of the revised laws, fifty-eight days, \$3 per day,	174	00

Carried forward,

\$

	Brought forward,	\$	
Sept. 14.	Pease, Chester & Co. charges on book for state library,		2 75
19.	John Norton, jr., fiscal agent, witness investigating locations of northern and southern railroads,		35 81
20.	do do do	13 31	
	Randolph Manning, repairs upon the capitol, as per act, April 6,	100 00	
			113 31
24.	N. H. Hart, as witness investigating railroad locations,		6 25
Nov. 13.	John Wright, botanist of the geologist department, one quarter year's salary, from June 1 to August 31, inclusive, \$1,500,	375 00	
	Henry Howard, salary two months, up to September 1, 1838, \$500, \$83 34. do. one month, up to September 30, \$800, \$66 66,	150 00	
	J. D. Pierce, one quarter year's salary, as Superintendent Public Instruction, from July 1 to Sept. 30, \$1,500,	375 00	
	Gov. Mason, one quarter year's salary, to Sept. 30,	500 00	
	Geo. Morell, one-fourth year's salary, to Sept. 30,	375 00	
	R. Abbott, salary two months as Auditor General, from July 1 to August 30, at \$500 per annum, \$83 33. do. one month, at \$1,000, to Sept. 30, \$83 33,	166 66	
	Abram Sager, one-fourth year's salary as zoologist, from June 1 to September 1, inclusive, \$1,500,	375 00	
	Epaphs. Ransom, one-fourth year's salary, as associate justice, \$1,500,	375 00	
	John E. Schwarz, one-fourth		
	Carried forward,	\$	\$

	Brought forward,	\$	\$
	year's salary, Adjutant General, to Sept. 30,	31	25
Nov. 13.	Randolph Manning, one fourth year's salary as Secretary of State, from Aug. 8 to Nov. 8, \$250; less fees collected as per ac't, \$3 80,	246	20
	Alonzo Bennett, witness investigating the locations of the northern and southern railroad,	18	00
	E. Farnsworth, one fourth year's salary as Chancellor, to Sept. 30,	875	00
	Half year interest due on Palmyra and Jacksonburgh railroad state stock, Nov. 1, at Manhattan bank, N. Y.,	700	00
	D. V. Bell, one fourth year's salary as Bank Commissioner, from July 5 to Oct. 5, \$1,250,	312	50
	P. Raymond, witness investigating the locations of the northern and southern railroads,	8	16
	N. Nash, do do	7	50
	K. Pritchette, one fourth year's salary as Bank Commissioner, from Aug. 7 to Nov. 7, \$1,250,	312	50
		<hr/>	4,702 77
	Half year's instalment interest due on \$100,000 state stock, Nov. 1, 1838, at the Phoenix bank, N. Y. issued May 1, 1836,	3,000	00
	Three months' interest on \$20,000 penitentiary state bonds issued April 1, due at Manhattan bank, interest from April 1 to July 1, 1838,	300	00
		<hr/>	3,300 00
15.	Alpheus Felch, one fourth		
	Carried forward,	\$	\$

	Brought forward,			
	year's salary as Bank Commissioner,			
	from Aug. 2 to Nov. 2, \$1,250,			312 50
Nov. 15.	Jno. Burch, witness investigating the loca- tion of the northern and southern rail- roads,			8 00
20.	S. T. King, do do do			9 62
21.	John Norton, jr., fiscal agent, for the fol- lowing items:			
	W. A. Fletcher, one fourth year's salary, ending Sept. 30, \$1,600,	400 00		
	C. C. Jackson, one fourth year's salary, ending Sept. 30, \$500,	125 00		
	Expenses of committee inves- tigating northern and south- ern railroads,	13 82		
				538 82
	B. Mercer, witness in case of George Morell,			5 56
Dec. 3.	C. C. Douglass, one fourth year's salary in geologist department,	200 00		
	Belah Hubbard, do do	200 00		
	D. Houghton, do do	500 00		
	G. H. Bull, do do	200 00		
	Jno. Wright, do do	375 00		
	A. Sager, do do	375 00		
	J. T. Blois, for 300 copies Gazetteer of Michigan,	450 00		
				2,300 00
1.	S. W. Higgins, one fourth year's salary ending Nov. 3, as topographer,			250 00
7.	S. R. Wood, four days' attendance as dis- trict canvasser, from 3d to 6th Dec. in- clusive, \$8, and 520 miles travel going to and coming from St. Mary's, at six and a quarter cents per mile, \$65,			73 00
8.	Clerk of Shiawassee county, as member of board of canvassers for third senator- ial district, in making returns, Dec. 1838, \$7 50, and 120 miles of travel, at six and a quarter cents per mile, \$7 50,			15 00
	Clerk of Lapeer county, services as mem-			

Carried forward,

\$

	Brought forward,	\$
	ber of board of canvassers for third senatorial district, in making returns, Dec. 1838, \$6, travel, \$4,	10 00
Dec. 8.	J. P. King, services as district canvasser for the fourth senatorial district, \$14, traveling fees, \$2 50,	16 50
14.	R. Abbott, postage on letters and other documents,	50 00
	Manhattan Bank, N. Y., eight months' interest from May 1 to Jan. 1, 1839, on \$100,000, Detroit and Pontiac railroad state stock, six per cent,	4,000 00
15.	R. T. Elliott, making boxes for the Secretary of State's office,	86 20
18.	J. P. C. Emmons, for services preparing for the press and superintending the publication of the journals of the House of Representatives, with accompanying documents and index to the same,	200 00
	L. W. Bebee, services as special messenger from Detroit to the clerk's office of St. Clair county, 52 miles, 2s.	13 00
	L. W. Bebee, services as special messenger from Detroit to Hillsdale, Branch and St. Joseph counties, to obtain correct returns of votes for the representative in congress,	39 00
24.	Half year's instalment interest due Jan. 1, 1839, on \$20,000 penitentiary state stock,	600 00
26.	C. C. Jackson, one quarter year's salary, ending Dec. 25, as private secretary to Governor,	\$125 00
	R. P. Eldredge, witness investigating locations northern and southern railroads,	4 25
	Treasurer Lapeer county, half bounty allowed by law for killing 55 wolves,	218 00
		347 25
28.	Thos. Yonhill, one quarter year's salary as chief assistant zoologist from 23d Aug. to 22d Nov. inclusive, \$1,000,	250 00
	Carried forward,	\$

	Brought forward,	\$	\$
Dec. 31.	Gov. Mason, one fourth year's salary ending this day,	500 00	
	Wm. A. Fletcher, do do	400 00	
	Geo. Morell, do do	375 00	
	E. Farnsworth, do do	375 00	
	E. Ransom, do do	375 00	
	H. Howard, do do	200 00	
	R. Abbott, do do	250 00	
	Jno. E. Schwarz, do do	81 25	
		<hr/>	2,506 25
	Total amount of expenditures,		\$168,485 09
STATE TREASURER'S OFFICE, } Detroit, Dec. 31, 1838. }			
	H. HOWARD, Treasurer.		

(No. 2.)

Statement of Receipts from all sources applicable to the payment of the current expenses of the State, for the year 1838.

Statement of receipts into the Treasury of the State of Michigan, from Taxes and other general objects, during the year commencing January first, and ending December 31, 1838, as follows :

Jan. 2.	From Jonas H. Titus, auctioneer, Wayne county, duties on goods,	\$9 13	
	Lemuel Goodell, sheriff, Wayne county, licenses,	40 30	
		<hr/>	\$49 43
10.	S. Durham, treasurer, Branch county, taxes,		200 00
11.	U. B. Couch, sheriff, Hillsdale county, licenses,		11 00
15.	Bank of Brest, one half year's tax on capital stock paid in,		75 00
	Bank of Oakland, one half year's tax on capital stock paid in,	37 50	
	Farmers' and Mechanics' bank of Pontiac, one half year's tax on capital stock paid in,	37 50	
	Bank of Shiawassee, one half		
	Carried forward,	\$	\$

	Brought forward,	\$	\$	
	year's tax on capital stock paid in,	37	50	
Jan. 15.	Genesee county bank, one half year's tax on capital stock paid in,	37	75	
		<u> </u>	150	25
16.	Bank of Saline, one half year's tax on capital stock paid in,	75	00	
	Bank of Coldwater, one half year's tax on capital stock paid in,	75	00	
		<u> </u>	150	00
17.	From Bank of Marshall, one half year's tax on capital stock paid in,	75	00	
	Caleb Bucknam, sheriff, Oakland county,	44	37	
		<u> </u>	119	37
	Bank of Oakland, one half year's tax on capital stock,	37	50	
	Detroit city bank, one half year's tax on capital stock,	150	00	
		<u> </u>	187	50
18.	Farmers' bank, Genesee county, one half year's tax on capital stock,	75	00	
	C. W. Curtiss, sheriff, Ionia county, licenses,	51	00	
		<u> </u>	126	00
22.	Bank of Gibraltar, one half year's tax on capital stock,		75	00
23.	Michigan state bank, for this amount borrowed under resolution of legislature, passed December 28, 1837,	40,000	00	
	Bank of Lapeer, one half year's tax on capital stock,	37	50	
	Bank of Goodrich, one half year's tax on capital stock,	75	00	
		<u> </u>	40,112	50
24.	Bank of St. Clair, one half year's tax on capital stock,		93	05
27.	O. B. Hart, treasurer, Lapeer county, taxes,		32	00
29.	L. Van De Walker, sheriff,			

Carried forward,

	Brought forward,		\$
	Kalamazoo county, licenses,	\$314 06	
Jan. 29.	Treasurer, Hillsdale county, taxes,	65 00	
	J. H. Cobb, auctioneer, Wayne county, duties on goods,	67 86	
		<hr/>	446 92
30.	Governor Mason, one quarter year's salary, overpaid him in year 1837,		500 00
Feb. 2.	From Merchants' bank of Jackson county, one half year's tax on capital stock,	49 00	
	Wayne county bank, one half year's tax on capital stock,	75 00	
		<hr/>	124 00
5.	Lemuel Goodell, sheriff, Wayne county, licenses,		879 81
6.	H. N. Munson, deputy treasurer, St. Clair county, taxes,	124 00	
	A. B. Gibson, sheriff, Jackson county, licenses,	150 00	
	Saginaw city bank, one half year's tax on capital stock,	75 00	
		<hr/>	349 00
8.	O. Russ, treasurer, Jackson county, taxes,		800 00
9.	J. L. Wendell, sheriff, Monroe county, licenses,	525 00	
	J. B. Stewart, sheriff, Branch county, licenses,	44 52	
	S. R. Smith, treasurer, Hillsdale county, taxes,	39 00	
		<hr/>	608 52
12.	U. B. Couch, sheriff, Hillsdale county, licenses,		55 00
13.	Geo. W. Hoffman, auctioneer, duties on goods,	8 65	
	T. P. Sheldon, treasurer of Kalamazoo county, taxes,	250 00	
	E. A. Trumbull, sheriff, St. Joseph county, licenses,	20 00	
		<hr/>	288 65
14.	Amos Adams, treasurer, Livingston county, taxes,		200 00
		<hr/>	
	Carried forward,		\$

	Brought forward,	\$	
Feb. 16.	P. Morey, attorney general, for taxes collected,	500 00	
19.	D. B. Warren, auctioneer, Lenawee county, duties on goods,	49 22	
21.	H. N. Munson, deputy treasurer, St. Clair county, taxes,	476 00	
22.	David Page, treasurer, Washtenaw coun- ty, taxes,	300 00	
23.	From H. H. Cooledge, auctioneer, Cass county, duties on goods,	10 00	
27.	Bank of Allegan, one half year's tax on capital stock,	\$75 00	
	J. P. LeRoy, treasurer, Oak- land county, taxes,	2,010 00	
		<hr/>	2,085 00
Mar. 3.	T. P. Sheldon, treasurer, Ka- lamazoo county, taxes,	65 00	
	R. C. Paine, treasurer, Berrien county, taxes,	1,172 00	
		<hr/>	1,237 00
8.	David Page, treasurer, Wash- tenaw county, taxes,	93 00	
	Lemuel Goodell, sheriff, Wayne county, licenses,	381 68	
		<hr/>	474 68
9.	U. B. Couch, sheriff, Hillsdale county, li- censes,	86 00	
10.	Bank of Constantine, one half year's tax on capital stock,	50 00	
12.	M. Preston, treasurer, Calhoun county, taxes,	3,148 69	
	J. Harper, treasurer, Cass coun- ty, taxes,	790 00	
		<hr/>	3,939 00
13.	A. V. Sill, treasurer, St. Jo- seph county, taxes,	640 00	
	P. P. Ferry, treasurer, Mon- roe county, taxes,	2,562 86	
	Jno. Rogers, auctioneer, Ber- rien county, duties on goods,	45 15	
	Mr. Furland, sheriff, Macomb county, licenses,	35 15	
		<hr/>	3,283 16
	Carried forward,	\$	

	Brought forward,		\$
Mar. 16.	G. Spencer, treasurer, Wayne county, taxes,	\$10,705 69	
	L. Goodell, sheriff, Wayne county, licenses,	1,075 69	
	B. F. H. Witherell, district attorney, Wayne county, collected fines,	39 00	
		<hr/>	11,819 69
17.	H. N. Munson, deputy treasurer, St. Clair county, taxes,		200 00
19.	From Joshua Bangs, treasurer, Van Buren county, taxes,	40 00	
	Jas. Stilson, auctioneer, Wayne county, duties on goods,	2 70	
		<hr/>	42 70
20.	Bank of Clinton, one half year's tax on capital stock,	100 00	
	H. Doty, auctioneer, Wayne county, duties on goods,	27 57	
		<hr/>	127 57
22.	Bank of Utica, one half year's tax on capital stock,		37 50
29.	Bank of Ypsilanti, one half year's tax on capital stock,		250 00
28.	A. Longstreet, sheriff, Van Buren county, licenses,		79 00
Apr. 5.	Lemuel Goodell, sheriff, Wayne county, licenses,		164 15
7.	Huron river bank, one half year's tax on capital stock,		75 00
9.	J. Orr, deputy sheriff, Mackinaw county, licenses,	60 80	
	J. L. Wendell, sheriff, Monroe county, licenses,	79 86	
	Lewis Reed, sheriff, Kent county, licenses,	102 00	
		<hr/>	242 66
	Palmyra and Jacksonburgh railroad company, interest on \$10,000 state stock, due May 1, 1838, coupons for balance, \$10,000, surrendered,		350 00
	Carried forward,		\$

HOUSE DOCUMENTS.

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	Brought forward,	\$	
Apr. 17.	U. B. Couch, sheriff, Hillsdale county, licenses,		31 00
20.	H. Chamberlin, sheriff, St. Clair county, licenses,		200 00
21.	Caleb Bucknam, sheriff, Oakland county, licenses,		691 37
24.	F. Preston, sheriff, Berrien county, licenses,		525 00
25.	From R. C. Paine, treasurer, Berrien county, taxes,	\$509 50	
26.	H. C. Goodrich, sheriff, Calhoun county, licenses,	182 00	
		<hr/>	691 50
	J. H. Cleveland, sheriff, Lenawee county,		480 00
30.	J. H. Cobb, auctioneer, Wayne county, duties on goods,		34 28
May 4.	Internal improvement fund, for this amount returned, under act legislature passed April 6, 1838,		80,000 00
	Wm. Tompkins, sheriff, Livingston county, licenses,		115 00
10.	U. B. Couch, sheriff, Hillsdale county, licenses,	46 00	
	R. O. Cooley, treasurer, Macomb county, taxes,	1,065 00	
		<hr/>	1,111 00
12.	Joshua Bangs, treasurer, Van Buren county, taxes,	68 00	
	E. A. Trumbull, sheriff, St. Joseph county, licenses,	403 11	
	P. P. Ferry, treasurer, Monroe county, taxes,	251 08	
	Lemuel Goodell, sheriff, Wayne county, licenses,	260 80	
		<hr/>	982 99
15.	M. V. Hunter, sheriff, Cass county, licenses,		162 00
17.	Josiah Perin, treasurer, Shiawassee county, taxes,	125 25	
	M. Winslow, treasurer, Allegan county, taxes,	375 00	
		<hr/>	500 25
	Carried forward,	\$	

	Brought forward,	\$	
May 19.	R. C. Paine, treasurer, Berrien county, taxes,		118 00
	John Murphey, sheriff of Allegan county, licenses,		69 00
28.	L. Van De Walker, sheriff of Kalamazoo county, licenses,		36 50
June 9.	H. C. Goodrich, sheriff of Calhoun county, licenses,		195 15
	J. Harper, treasurer, Cass county, taxes,	210 00	
		<hr/>	450 15
11.	F. Preston, sheriff, Berrien county, licenses,		70 00
	J. Stilson, auctioneer, Wayne county, duties on goods,		28 03
July 7.	Joseph Harper, treasurer, Cass county, taxes,		123 06
10.	A. V. Sill, treasurer, St. Joseph county, taxes,		152 00
11.	H. Doty, auctioneer, Wayne county, duties on goods,		80 41
14.	E. N. Davenport, sheriff, Saginaw county, licenses,	74 00	
	A. V. Sill, treasurer, St. Joseph county, taxes,	10 00	
		<hr/>	84 00
16.	Goodrich bank, half year's tax on capital stock,		75 00
20.	J. L. Wendell, sheriff, Monroe county, licenses,		40 51
20.	Lemuel Goodell, sheriff, Wayne county, licenses,		77 29
24.	J. P. King, clerk of Mackinaw county, licenses,	34 18	
	Bank of Marshall, half year's tax on capital stock,	75 00	
	Bank of Singapore, half year's tax on capital stock,	37 50	
		<hr/>	146 68
Aug. 2.	H. Pennoyer, sheriff, Ottawa county, licenses,	26 00	
	A. Spencer, auctioneer, Ionia county, duties on goods,	2 00	
		<hr/>	
	Carried forward,	\$	\$

	Brought forward,	\$	\$	
Aug. 2.	Cashier Bank of Constantine, one half year's tax on capital,	65	93	
				93 93
3.	J. H. Cobb, auctioneer, Wayne county, licenses,	13	50	
	Farmers' bank Homer, one half year's tax on capital,	94	30	
				109 80
9.	G. D. Dolan, auctioneer, Cal- houn county, duties on goods,			5 00
6.	Genesee county bank, one half year's tax on capital,			37 59
11.	Commercial bank, St. Josephs, one half year's tax on capi- tal,			37 50
13.	Bank of St. Clair, one half year's tax on capital,			117 26
16.	Merchants' bank of Jackson county, one half year's tax on capital,			49 00
25.	Wm. R. Watson, auctioneer, Kalamazoo county, duties on goods,			26 00
Sept. 5.	H. Pennoyer, sheriff, Ottawa county, licenses,			45 00
7.	Internal improvement fund— this amount returned loaned that fund under act of legis- lature, passed January 30, 1838,			7,224 84
14.	Jas. Stilson, auctioneer, Wayne county, duties on goods,	31	04	
	J. L. Wendell, sheriff, Mon- roe county, licenses,	65	25	
				96 29
18.	O. B. Hart, treasurer, Lapeer county, taxes,			150 00
24.	A. B. Gibson, for ten copies revised laws,			30 00
26.	M. V. Hunter, sheriff, Cass county, licenses,			44 75
Oct. 4.	H. Pennoyer, sheriff, Ottawa county, licenses,	10	00	
	Carried forward,	\$	\$	

	Brought forward,	\$	\$
Oct. 16.	L. Rowe, auctioneer, Lenawee county, duties on goods,	62 25	
27.	J. P. Place, sheriff, Ionia co., licenses,	19 00	
Nov. 15.	J. Murphy, sheriff, Allegan county, licenses,	17 00	
13.	T. Palmer, merchant's licenses,	3 87	
	Beriah Brown, auctioneer, Lenawee county, duty on goods,	8 00	
	Palmyra and Jacksonburgh railroad company, to meet one half year's payment interest on \$20,000, state stock, due Nov. 1, 1838, in New York,	700 00	
		<hr/>	864 87
20.	Sheriff of Kent county, licenses,		35 57
	H. Doty, auctioneer, Wayne county, duties on goods,		39 75
22.	A. B. Gibson, sheriff, Jackson county, licenses,		24 79
24.	U. B. Couch, sheriff, Hillsdale county, licenses,		15 75
27.	J. H. Cobb, auctioneer, Wayne county, duties on goods,		52 67
28.	John Rogers, auctioneer, Berrien county, duties on goods,		46 00
Dec. 4.	Caleb Bucknam, sheriff, Oakland county, licenses,		15 23
	A. B. Gibson, sheriff, Jackson county, July 17, licenses,	19 00	
	U. B. Couch, sheriff, Hillsdale county, July 25, licenses,	25 00	
		<hr/>	44 00
8.	Pedlar's licenses,	14 53	
	U. B. Couch, sheriff, Hillsdale county,	6 12	
		<hr/>	20 65
10.	J. Harper, treasurer, Cass county,		150 00
	Carried forward,	\$	

	Brought forward,	\$	
Dec. 18.	Jas. Stilson, auctioneer, Wayne county, duties on goods,	\$20 67	
	Detroit and Pontiac railroad company, to meet interest due on \$100,000, state bonds, due Jan. 1,	4,000 00	
		<hr/>	4,020 67
29.	Lapeer county, treasurer, bal- ance due from that county,		46 80
31.	L. H. Lathrop, pedlar, license for year 1838,		10 00
	Messrs. Burger and Stevens, overpaid them, and refunded June 25th, 1838,		51 00
			<hr/>
	Total amount of receipts,	\$171,999 77	
STATE TREASURER'S OFFICE, }			
Detroit, Dec. 31, 1838. }			

H. HOWARD, *Treasurer.*

(No. 3.)

Quarterly account current with General Fund, year 1838.

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

1838.	For warrants paid in favor of the following persons, viz :			
Jan. 1.	To balance due the treasury by his overdraft on the Michigan State Bank,		\$15,067	93
	Epaphs. Ransom,		375	00
3.	J. Goodrich,		12	00
	John E. Schwarz,	\$31	25	
	Wm. A. Fletcher,	400	00	
			<hr/>	
			431	25
6.	George Morell,		375	00
	K. Pritchette,		250	00
15.	D. Houghton,		8,000	00
16.	John Berry,	39	00	
	E. Ely,	45	45	
	John Norton, jr., fiscal agent,	12,491	30	
	do do	3,632	94	
			<hr/>	
			16,208	69
19.	do do	706	50	
	do do	7,403	99	
	L. M. Mason,	7	06	
			<hr/>	
			8,117	55
23.	Michigan state bank,		769	31
26.	E. N. Bridges,	250	00	
	C. C. Jackson,	125	00	
			<hr/>	
			375	00
29.	Wm. Driggs,	4	00	
	John Norton, jr., fiscal agent,	401	00	
	do do	325	00	
			<hr/>	
			730	00
Feb. 5.	H. James,		5	75
8.	K. Pritchette,		100	00
9.	L. Van Nest,	15	00	
	George Sedgwick,	65	00	
			<hr/>	
			80	00
13.	R. Irish,		7	12
21.	F. Cowdery,		35	00
Mar. 1.	Internal improvement fund,		7,224	84
			<hr/>	
	Carried forward,		\$	

(No. 2.)

*Quarterly account current with General Fund, year 1838.**Contra CR.*

1838. By the following sums received
from the following persons,
viz:

Jan. 2.	From Jonas H. Titus,	\$9 13	
	Lemuel Goodell,	40 30	
		<hr/>	\$49 43
10.	S. Durham,		200 00
11.	U. B. Couch,		11 00
15.	Bank of Brest,		75 00
	Bank of Oakland,	37 50	
	Farmer's and Mechanics' bank,		
	Pontiac,	37 50	
	Bank of Shiawassee,	37 50	
	Genesee county bank,	37 75	
		<hr/>	150 25
16.	Bank of Saline,	75 00	
	Bank of Coldwater,	75 00	
		<hr/>	150 00
17.	C. Bucknam,	44 37	
	Bank of Marshall,	75 00	
		<hr/>	119 37
	Detroit city bank,	150 00	
	Farmers' bank of Oakland,	37 50	
		<hr/>	187 50
18.	Farmers' bank of Genesee county,	75 00	
	E. W. Curtiss,	51 00	
		<hr/>	126 00
22.	Bank of Gibraltar,		75 00
23.	Michigan state bank,	40,000 00	
	Bank of Lapeer,	37 50	
	Bank of Goodrich,	75 00	
		<hr/>	40,112 50
24.	Bank of St Clair,		93 05
27.	O. B. Hart,		32 90
29.	L. Van DeWalker,	314 06	
	Treasurer Hillsdale county,	65 00	
	J. H. Cobb,	67 86	
		<hr/>	446 92
30.	Gov. Mason,		500 00
		<hr/>	
	Carried forward,		\$

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,		\$
Mar. 3.	John Norton, jr., fiscal agent,	\$230 75	
	do do	171 00	
	do do	3 00	
	do do	11 50	
	H. C. Bunce,	5 00	
		<hr/>	421 25
6.	Robert Abbott,		30 00
14.	E. Farnsworth,		375 00
28.	P. Morey,	200 00	
	G. W. Wisner,	163 50	
	John Gallway,	2 50	
	D. Pittman,	70 00	
		<hr/>	436 00
Feb. 15.	Thurber, Haslack & Barber,		
	(omitted,)		9 19
Mar. 2.	Wm. F. Shepard,		6 40
31.	C. H. Hooker and E. D. Lord,	300 00	
	Thomas J. Drake,	40 00	
		<hr/>	340 00
			<hr/>
			57,782 27
			<hr/>
	Balance as per account,		12,897 25
			<hr/>
			70,679 52
April 2.	Jno. E. Scharwz,	31 25	
	Gov. Mason,	500 00	
			531 25
3.	George Morell,		375 00
4.	Epaphs. Ransom,	375 00	
	John Forsyth,	6 25	
	S. N. Gantt,	10 63	
		<hr/>	391 88
7.	H. Howard,		125 00
11.	Interest on \$100,000 state		
	stock,	3,000 00	
	E. Farnsworth,	375 00	
		<hr/>	3,375 00
	Morse & Brother,	36 05	
	C. J. Walker,	3 00	
	Wm. A. Fletcher, \$400, \$375,	775 00	
	John S. Bagg,	5,000 00	
		<hr/>	
	Carried forward,	\$	\$

Contra CR.

Carried forward,		\$	
Feb. 2.	Merchants' bank of Jackson co.	\$49 00	
	Wayne county bank,	75 00	
		<hr/>	124 00
5.	Lemuel Goodell,		879 81
6.	H. N. Munson,	124 00	
	A. B. Gibson,	160 00	
	Saginaw city bank,	75 00	
		<hr/>	349 00
8.	O. Russ,		600 00
9.	J. L. Wendell,	525 05	
	J. B. Stewart,	44 52	
	S. R. Smith,	39 00	
		<hr/>	608 52
12.	U. B. Couch,		55 00
13.	Geo. W. Hoffman,	8 65	
	T. P. Sheldon,	250 00	
	E. A. Trumbull,	30 00	
		<hr/>	288 65
14.	Amos Adams,		200 00
16.	Peter Morey,		500 00
19.	D. B. Warren,		49 22
21.	H. N. Munson,		476 00
22.	D. Page,		300 00
23.	H. H. Cooledge,		10 00
27.	Bank of Allegan,	75 00	
	J. P. LeRoy,	2,010 00	
		<hr/>	2,085 00
Mar. 3.	T. P. Sheldon,	65 00	
	R. C. Paine,	1,172 00	
		<hr/>	1,237 00
8.	D. Page,	93 00	
	Lemuel Goodell,	381 68	
		<hr/>	474 68
9.	U. B. Couch,		86 00
10.	Bank of Constantine,		50 00
12.	M. Preston,	3,149 00	
	J. Harper,	790 00	
		<hr/>	3,939 00
13.	A. V. Sill,	640 00	
	P. P. Ferry,	2,562 86	
	Jno. Rogers,	45 15	
	Mr. Furland,	35 15	
		<hr/>	3,283 16
Carried forward,		\$	

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,	\$	\$
April 11.	S. McKnight,	114	79
	Jno. Norton, jr., fiscal agent,	22,279	50
	O. Marsh,	291	00
	Interest on Palmyra and Jack- sonburgh railroad company,	350	00
	H. A. Mansfield,	30	00
			28,899 34
18.	Jno. Norton, jr., fiscal agent,	8,250	51
	do do	1,399	50
	do do	236	00
	do do	947	81
	do do	1,123	26
			12,047 08
20.	Mason & Porter,		15 00
21.	John Norton, jr., fiscal agent,	150	17
	do do	888	00
	do do	307	87
	E. J. Roberts,	270	00
			1,616 04
22.	Thomas Fitzgerald,		312 50
24.	John Davis,	2	62
	A. Fuller,	3	00
			5 62
25.	Jno. Norton, jr., fiscal agent,		
	8, 6, 35,	49	00
	Bethuel Farrand,	800	00
			849 00
26.	John Gibson,		120 50
27.	Lemuel Goodell,		41 00
28.	John Norton, jr., fiscal agent,		454 19
May 4.	Michigan state bank,	40,000	00
	Interest on same,	825	00
			40,825 00
	A. Felch,		312 50
11.	Field and Burch,	40	00
	K. Pritchette,	312	50
	H. B. Webster,	42	95
	John Norton, jr., fiscal agent,	282	94
	do do	93	00
	do do	46	43
	do do	13	68
			831 50
	Carried forward,		\$

Contra CR.

Brought forward,		\$	
Mar. 16.	G. Spencer,	\$10,705 69	
	Lemuel Goodell,	1,075 00	
	B. F. H. Witherell,	39 00	
		<hr/>	11,819 69
17.	H. N. Munson,		200 00
19.	Joshua Bangs,	40 00	
	James Stilson,	2 70	
		<hr/>	42 70
20.	Bank of Clinton,	100 00	
	H. Doty,	27 57	
		<hr/>	127 57
22.	Bank of Utica,		37 50
27.	Bank of Ypsilanti,		250 00
30.	A. Longstreet,		19 00
			<hr/>
			\$70,679 52
April 1.	By balance,		12,897 25
5.	Lemuel Goodell,		164 15
7.	Huron river bank,		75 00
9.	J. Orr,	60 80	
	J. L. Wendell,	79 86	
	Lewis Reed,	102 00	
		<hr/>	242 66
14.	Palmyra and Jacksonburgh railroad company,		350 00
17.	U. B. Couch,		31 00
20.	H. Chamberlin,		200 00
21.	C. Bucknam,		691 37
24.	Fowler Preston,		525 00
25.	R. C. Pain,	509 50	
	H. C. Goodrich,	182 00	
		<hr/>	691 50
27.	J. H. Cleveland,		480 00
30.	J. H. Cobb,		34 23
May 4.	Internal improvement fund,		80,000 00
	Wm. Tompkins,		150 00
10.	U. B. Couch,	46 00	
	R. O. Cooley,	1,605 00	
		<hr/>	1,651 00
11.	Sheriff Kalamazoo,		314 00
12.	Joshua Bangs,	68 00	
	E. A. Trumbull,	403 11	
		<hr/>	
	Carried forward,	\$	\$

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,		\$	
16.	A. Chandler, each, 42, 154,			196 00
18.	John Norton, jr., fiscal agent,			109 62
20.	Robert Abbott,	\$25 00		
	Messrs. Dunbar,	36 00		
				61 00
21.	John Paschall,	3 56		
	John Norton, jr., fiscal agent,	13 80		
	R. Stoddard,	5 00		
				22 36
23.	George Clark,	90 00		
	John Norton, jr., fiscal agent,	159 60		
				249 60
31.	do do			321 00
June 8.	C. C. Douglass,	200 00		
	B. Hubbard,	200 00		
	William P. Smith,	250 00		
	D. Houghton,	500 00		
	Obd. Lacy,	20 00		
	Z. Mason,	20 50		
				1,190 50
13.	Contingent fund,			2,000 00
14.	John Norton, jr., fiscal agent,			97 00
15.	R. Manning,			250 00
16.	A. Sager,	375 00		
	John Wright,	375 00		
	Geo. H. Bull,	200 00		
	A. M. Gould,	19 50		
				969 50
21.	Richard Partridge,			12 00
22.	John Mulholland,			36 00
29.	Edward Mundy,			666 00
	Collins, Reese & Co.			438 46
30.	Epaphs. Ransom,	375 00		
	H. Howard,	125 00		
	J. Pierce, May 19,	12 00		
				512 00
	Balance per account,			2,087 35
				100,345 79
July 2.	George Morell,	375 00		
	John E. Schwarz,	31 25		
	Carried forward,	\$	\$	

Contra CR.

Brought forward,		\$	\$
May 12.	P. P. Ferry,	251 08	
	Lemuel Goodell,	260 80	
		<hr/>	982 99
15.	M. V. Hunter,		162 00
17.	Josiah Price,	125 25	
	M. Winslow,	375 00	
		<hr/>	500 25
19.	R. C. Paine,		118 00
	John Murphy,	10 60	
	do do	59 00	
		<hr/>	69 00
28.	L. Van De Walker,		36 50
June 9.	H. C. Goodrich,	195 15	
	J. Harper,	210 00	
		<hr/>	405 15
11.	F. Preston,	70 00	
	J. Stilson,	28 03	
		<hr/>	98 03
20.	Burger and Stevens,		51 00
30.	Overchange warrant, May 14,	62	
	do do 21,	9	
		<hr/>	71
			<hr/>
			\$160,345 79
July 1.	By balance of account,		2,067 35
7.	Joseph Harper,		123 66
10.	A. V. Sill,		152 00
11.	H. Doty,		80 41
14.	E. N. Davenport,	74 00	
	A. V. Sill,	10 00	
		<hr/>	84 00
16.	Bank of Goodrich,		75 00
20.	Lemuel Goodell,		77 29
	J. L. Wendell,		40 51
24.	J. P. King,	34 18	
	Bank of Marshall,	75 00	
	Bank of Singapore,	37 50	
		<hr/>	146 68
Aug. 2.	H. Penoyer,	20 00	
	A. Spencer,	2 00	
	Constantine bank,	65 93	
		<hr/>	93 93
			<hr/>
	Carried forward,	\$	

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,	\$	\$	
	Stephen Rives,		3 13	
				409 38
July 3.	Gov. Mason,	500 00		
	Robert Abbott,	25 00		
				525 00
5.	Jno. Norton, jr., fiscal agent,	\$7 16, \$41 00,		48 16
6.	Wm. A. Fletcher,	400 00		
	E. Farnsworth,	375 00		
	John Norton, jr., fiscal agent,	577 17		
	O. D. Richardson,	25 00		
				1,377 17
13.	John Norton, jr., fiscal agent,			75 00
17.	Taylor, Smith and Bennett, each \$12			36 00
20.	H. Gilbert,			3 00
23.	R. Abbott,			80 00
25.	do do			75 00
Aug. 3.	E. J. Roberts,	270 00		
	E. B. Harrington,	540 00		
				810 00
6.	Thomas Fitzgerald,			267 35
10.	A. Felch,	312 50		
	K. Pritchette,	312 50		
	R. Manning,	250 00		
				875 00
11.	W. P. Hause,			14 00
13.	J. P. Richardson,	1 50		
	R. R. Billings,	3 50		
				5 00
14.	S. Poupard,			7 52
15.	T. Emerson,			12 00
	R. W. Ingalls,			3 00
18.	R. Abbott,			25 00
21.	John Norton, jr., fiscal agent,			25 47
	J. D. Pierce,			750 00
29.	John Norton, jr., fiscal agent,	55 51		
	J. R. Bowman,	15 00		
				70 61
Sept. 1.	S. W. Higgins,			250 00
4.	B. Hubbard,	200 00		
	C. C. Douglass,	200 00		
	W. T. Smith,	226 00		
	Carried forward,	\$	\$	

Contra CR.

	Brought forward,	\$	
Aug. 3.	J. H. Cobb,	\$13 50	
	Farmers' bank of Homer,	94 30	
		<hr/>	107 80
9.	G. Dunbar,		5 00
	Genesee county bank,		37 50
	Commercial bank, St. Joseph,		87 50
	Bank of St. Clair,		117 26
16.	Merchants' bank, Jackson co.,		49 00
25.	Wm. R. Watson,		26 00
Sept. 4.	H. Pennoyer,		45 00
7.	Internal improvement fund,		7,224 84
14.	James Stilson,	31 04	
	J. L. Wendell,	65 25	
		<hr/>	96 29
18.	O. B. Hart,		150 00
24.	A. B. Gibson,		30 00
	do do July 17, 1838,	19 00	
	U. B. Couch, July 25, 1838,	25 00	
		<hr/>	44 00
Oct. 1.	By balance of account,		3,051 28
Nov. 13.	M. V. Hunter,	44 75	
	H. Pennoyer,	10 00	
	L. Rowe,	62 25	
	J. P. Place,	19 00	
	J. Murphy,	17 00	
	T. Palmer,	3 87	
	Beriah Brower,	8 00	
	Palmyra and Jacksonburgh railroad company,	700 00	
		<hr/>	864 87
20.	Sheriff of Kent county,		35 57
21.	H. Doty,		39 75
22.	A. B. Gibson,		24 79
24.	U. B. Couch,		15 75
27.	J. H. Cobb,		52 67
28.	Jno. Rogers,		46 00
Dec. 4.	Caleb Bucknam,		15 23
8.	Pedlars' licenses,	15 43	
	U. B. Couch,	6 12	
		<hr/>	20 65
10.	J. Harper,		150 00
18.	Pontiac railroad company,	4,000 00	
		<hr/>	
	Carried forward,	\$	\$

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,	\$	\$	
Sept. 4.	D. Houghton,	500	00	
				1128 00
	7. R. Abbott,			250 00
	8. G. H. Bull,			200 00
	10. John Norton, jr., fiscal agent,			227 96
	11. E. B. Harrington,			174 00
	14. Pease, Chester & Co.,			2 75
	19. John Norton, jr., fiscal agent,			35 81
	20. John Norton, jr., fiscal agent,	13	31	
	Randolph Manning,	100	00	
				113 31
	24. N. H. Hart,			6 25
	30. Balance per account,			3,051 28
				<hr/>
				\$10,631 02
Nov. 13.	John Wright,	375	00	
	H. Howard,	150	00	
	J. D. Pierce,	375	00	
	S. T. Mason,	500	00	
	Geo. Morell,	375	00	
	R. Abbott,	166	66	
	A. Sager,	375	00	
	Ephs. Ransom,	375	00	
	John E. Schwarz,	31	25	
	Randolph Manning,	246	20	
	Alonzo Bennett,	18	00	
	Manhattan bank, int. on stock,	700	00	
	D. V. Bell,	312	50	
	P. Raymond,	8	16	
	N. Nash,	7	50	
	K. Pritchette,	312	50	
	E. Farnsworth,	375	00	
				4,702 77
	Interest on \$100,000 state stock, 3,000	00		
	do 20,000 do 3 mos.	300	00	
				<hr/>
				3,800 00
	15. A. Felch,			312 50
	16. Jon. Burch,			8 00
	20. S. T. King,	9	62	
	L. Van De Walker, over credit			
	this amount,	314	00	
				<hr/>
				323 62
				<hr/>
	Carried forward,	\$	\$	

HOUSE DOCUMENTS.

65

Contra CR.

	Brought forward,	\$	\$
Dec. 18.	J. Stilson,	20 67	
		<hr/>	4,020 67
22.	Overcharge Sept. 10, on war-		
	rant to J. Norton, jr.,		20
29.	Treasurer Lapeer county,		46 80
31.	S. H. Lathrop,		10 00
	Balance,		11,553 24
			<hr/>
			\$19,947 47
			<hr/>
	Dr. to balance of account,		\$11,553 24

STATE TREASURER'S OFFICE, {
 Detroit, Dec. 31, 1838. }

H. HOWARD, *Treasurer.*

DR. *State of Michigan to general account with Henry Howard, Treasurer.*

	Brought forward,		\$
Nov. 21.	John Norton, jr., fiscal agent,	\$538 82	
	B. Mercer,	5 56	
		<hr/>	544 38
Dec. 3.	C. C. Douglass,	200 00	
	B. Hubbard,	200 00	
	D. Houghton,	500 00	
	G. H. Bull,	200 00	
	John Wright,	375 00	
	A. Sager,	375 00	
	Jno. T. Blois,	450 00	
		<hr/>	2,300 00
7.	S. R. Wood,		78 00
8.	O. H. Hart,	10 00	
	A. Parsons,	15 00	
	J. P. King,	16 50	
		<hr/>	41 50
14.	Robert Abbott,	50 00	
	Manhattan bank, interest on		
	\$100,000,	4,000 00	
		<hr/>	4,050 00
15.	Robert T. Elliott,	86 20	
	L. W. Bebee,	39 00	
		<hr/>	125 20
18.	J. P. C. Emmons,	200 00	
	L. W. Bebee,	13 00	
		<hr/>	213 00
20.	S. W. Higgins, Dec. 1,		250 00
24.	In't on penitentiary state stock,		600 00
26.	C. C. Jackson,	125 00	
	R. P. Eldredge,	4 25	
	Treasurer Lapeer county,	218 00	
		<hr/>	347 25
28.	Thomas Yonhill,		250 00
31.	Gov. Mason,	500 00	
	Wm. A. Fletcher,	400 00	
	Geo. Morell,	375 00	
	E. Farnsworth,	375 00	
	E. Ransom,	375 00	
	H. Howard,	200 00	
	R. Abbott,	250 00	
	J. E. Schwartz,	31 25	
		<hr/>	2,506 25
		<hr/>	\$18,947 47

(No. 4.)

*An account current with the sinking fund, year 1838.*DR. *Sinking fund in account with Henry Howard,
Treasurer.*

1838.

June 18.	To cash remitted cashier Phoenix bank, N. Y., to meet half yearly instalment of interest due July 1, 1838, on \$200,000 Michigan state stock sold O. Newberry, at 6 per cent. per annum, is,	\$6,000 00
Dec. 31	Paid half year's instalment interest on \$200,000 state stock, issued O. Newberry, part of the five million loan,	6,000 00
	Balance,	80,562 45
		<hr/>
		\$82,562 45

(No. 4.)

CR. *Sinking fund in account with Henry Howard,
Treasurer.*

1838.

Jan. 6.	By cash of H. K. Sanger, cashier Bank of Michigan, 6 per cent. premium on Gov. Mason's draft on N. York for \$60,000,	\$3,600 00
	Cash received of Jno. Norton, jr., cashier of the Michigan state bank, 6 per cent. premi- um on Gov. Mason's draft for \$60,000 on New York,	3,600 00
	Cash received of Michigan state bank, balance of in- terest on internal improve- ment fund up to Jan. 1, 1838,	6,255 05
	Cash as follows, received of A. T. Hall and Thomas Clark, collectors of tolls on the cen- tral railroad at Detroit and Ypsilanti, viz :	
May 31.	Of Amos T. Hall, Detroit,	\$2,869 03
June 6.	do. do.	1,280 94
	8. Thomas Clark, Ypsilanti,	1,246 69
	13. A. T. Hall,	1,143 24
	Thos. Clark,	1,620 93
		<hr/>
	20. do do	1,206 36
	A. T. Hall,	1,122 43
		<hr/>
		2,328 79
	28. do do	1,039 00
	29. Thos. Clark,	1,491 21
July 4.	do do	1,041 83
	5. A. T. Hall,	1,014 69
	11. do do	928 32
	Thos. Clark,	1,077 08
		<hr/>
		2,005 40
	18. A. T. Hall,	865 49
	Thos. Clark,	962 09
		<hr/>
		1,827 58
	25. A. T. Hall,	772 77
		<hr/>
	Carried forward,	\$ \$
	12	

Contra CR.

Brought forward,		\$	\$
July 25.	Thos. Clark,	719 00	
		<hr/>	1,491 77
Aug. 3.	A. T. Hall,		502 98
8.	do do	668 73	
	Thos. Clark,	563 29	
	do do	912 56	
		<hr/>	2,144 58
15.	A. T. Hall,	736 91	
	Thos. Clark,	824 50	
		<hr/>	1,561 41
22.	A. T. Hall,	722 51	
	Thos. Clark,	845 95	
		<hr/>	1,568 46
29.	A. T. Hall,		678 95
31.	Thos. Clark,		824 24
Sept. 5.	A. T. Hall,	800 85	
	Thos. Clark,	974 25	
		<hr/>	1,775 10
12.	A. T. Hall,	1,116 79	
	Thos. Clark,	1,082 57	
		<hr/>	2,199 36
19.	Cash received of Oliver Newberry, being balance of interest on \$200,000 state bonds up to July 1, 1838,		2,250 00
	6 per cent premium on do,		12 000 00
	Interest on \$50,000 from July 1,		675 00
Nov. 13.	The following sums received of Clark and Hall, collectors of tolls on central railroad:		
	A. T. Hall,		1,105 98
	Thomas Clark,	\$1,234 07	
	do do	1,010 38	
	do do	1,435 30	
	do do	1,469 57	
	do do	1,488 99	
	do do	1,577 53	
	do do	1,966 54	
	do do	1,359 04	
		<hr/>	12,541 42
	Cash received of A. T. Hall, from Sept. 26 to Nov. 7 in-		
	Carried forward,	\$	

Contra CR.

Brought forward,		\$	\$
clusive, the following sums :			
Sept. 26.	\$1,136 83		
Oct. 9.	1,234 28		
17.	1,087 36		
3.	1,280 92		
24.	1,304 00		
Nov. 1.	1,348 66		
7.	1,066 54		
			8,458 59
15. Of Thomas Clark,			1,314 21
16. Amos T. Hall,			1,097 86
21. do do			869 90
22. Thomas Clark,			1,299 71
Of Bank of Ypsilanti, interest on money deposited in that bank,		205 00	
28. Of A. T. Hall,			911 95
29. Thomas Clark,			951 63
Dec. 6. do do	1,117 64		
A. T. Hall,	615 33		
			1,732 97
11. do do			552 53
13. Thomas Clark,			778 32
20. do do	593 70		
A. T. Hall,	372 21		
			965 91
26. do do			415 59
Thomas Clark,			325 65
			\$63,977 40
Add			28,585 05
			\$92,562 45
			\$80,562 45
Dec. 31. By balance of account,			
STATE TREASURER'S OFFICE, }			
Detroit, Dec. 31, 1838. }			
H. HOWARD, Treasurer.			

(No. 5.)

*An account current with the Contingent Fund, year 1838.***DR.** *Contingent Fund in account with Henry Howard, Treasurer.*

1838.

Jan. 6.	To paid S. McKnight's account, postage,		\$301 39
17.	Detroit iron company's account, letter press for Secretary of State's office,		100 00
Feb. 15.	Dr. Spring's account, expenses transporting state bonds to New York,		80 00
Mar. 4.	R. Abbott's account, wood for office,		27 50
10.	P. Morey, Attorney General's account,		123 00
Apr. 18.	S. McKnight's account, postage,		102 79
May 13.	P. Morey, Attorney General's account,		131 75
25.	Burger & Stevens' account,	\$47 38	
	George Coombs' account,	19 43	
		<hr/>	66 81
June 30.	Detroit hydraulic account,		15 00
July 7.	S. McKnight's post office account,		69 42
17.	Jno. Greenfield's account, pursuing and apprehending fugitives from justice,		200 00
Aug. 3.	Morse & Brother's account,		12 25
15.	C. Clark's account,		2 00
29.	Burger & Stevens' account,		12 00
Sep. 8.	R. Manning's account,	15 37	
	George Beatty's account,	60 00	
		<hr/>	75 37
19.	J. A. Armstrong's account,		174 00
Dec. 7.	L. Bebee's account,		8 00
17.	S. McKnight's postage account, executive office,		174 13
	Sheldon McKnight's postage account, Secretary of State's office,		55 37
31.	Balance,		1,022 16
			<hr/>
			\$2,753 94

95

1837.

1838.

Dec. 31. By balance,

STATE TREASURER'S OFFICE,

Detroit, December 31, 1838.

H. HOWARD, *Treasurer.*

(No. 6.)

*An account current with the Penitentiary Fund, year 1838.*DR. *Penitentiary Fund in account with Henry Howard,
Treasurer.*

1838.

May 9.	To paid warrant from Benjamin Porter, Commissioner,	\$5,000 00
June 22.	do do A. B. Gibson, do	1,500 00
July 20.	do do do	8,400 00
Aug. 17.	do do do	5,000 00
Nov. 13.	do do do	953 34
		<hr/>
		\$20,853 34

(No. 7.)

*Account current with the Ypsilanti and Tecumseh railroad company, 1838.*DR. *Ypsilanti and Tecumseh railroad company, in account
with Henry Howard, Treasurer.*

1838.

Sept. 18.	To amount paid S. Blanchard, president and authorized agent of the company, as per warrant and his receipt,	\$60,000 00
		<hr/>
		\$60,000 00

CR. *Penitentiary Fund in account with Henry Howard,
Treasurer.*

1838.

June 29.	By this amount state bonds issued April 1st, 1838, in pursuance of an act of the legislature, approved March 22, 1838, authorizing the building of state penitentiary,	\$20,000 00
	Three per cent premium received on sale of same,	600 00
	Seventy-six days' interest, from April 1 to June 15, 1838, six per cent,	253 34
		<hr/> \$20,853 34
		<hr/> \$20,853 34

STATE TREASURER'S OFFICE, }
Detroit, December 31, 1838. }

H. HOWARD, *Treasurer.*

CR. *Ypsilanti and Tecumseh railroad company in account
with Henry Howard, Treasurer.*

1838.

Aug. 6.	By this amount received from sale of state stocks,	\$50,000 00
11.	do do	10,000 00
		<hr/> \$60,000 00

STATE TREASURER'S OFFICE, }
Detroit, December 31, 1838. }

H. HOWARD, *Treasurer.*

(No. 8.)

*Account with the Allegan and Marshall railroad company, 1838.*CR. *Allegan and Marshall railroad company in account with
Henry Howard, Treasurer.*

1838,

Aug. 6. By amount received from sale
of state stocks,

\$50,000 00

11. From sale of state stocks,

10,000 00

On hand,

\$60,000 00

STATE TREASURER'S OFFICE, }
Detroit, December 31, 1838.

H. HOWARD, Treasurer.

(No. 9.)

A statement of Bank Fund, year 1838.

DR. <i>H. Howard, Treasurer, in account with Bank Fund.</i>		
1837.		
Dec. 31.	To balance on hand this day,	\$145 14
1838.		
Jan. 15:	Cash received of Bank of Oak-	
	land,	\$24 05
	Farmers' and Mechanics' bank	
	of Pontiac,	1 23
	Genesee county bank,	1 70
	Bank of Brest,	75 00
		<hr/>
		101 98
	16. Bank of Saline,	12 74
	Bank of Coldwater,	9 00
		<hr/>
		21 74
	17. Bank of Marshall,	27 94
	Detroit city bank,	4 10
	Farmers' bank of Oakland,	1 23
		<hr/>
		33 27
	23. Bank of Lapeer,	5 13
	Bank of Goodrich,	8 65
		<hr/>
		13 78
	24. Bank of St. Clair,	143 28
Feb. 2.	Wayne county bank,	7 80
	5. Saginaw city bank,	2 05
Mar. 22.	Bank of Utica,	23 21
	10. Bank of Gibraltar,	150 00
	26. Bank of Ypsilanti,	414 38
	Farmer's bank of Homer,	168 92
		<hr/>
		603 30
Apr. 5.	Bank of Constantine,	65 83
		<hr/>
		\$1,311 38

CR. *H. Howard, Treasurer, in account with Bank Fund.*
1838.

Jan. 13, By cash paid J. M. Burger,
printing bonds and mortga-
ges for use of the Bank Com-
missioners,

\$51 00

Due the bank fund,

\$1,280 38

(No. 10.)

An account current with the Internal Improvement Fund, year 1838.

DR. Internal Improvement Fund in account with Henry Howard, Treasurer.

1838.

		For paying the following warrants, viz :	
Jan'y 4.	To A. H. Adams,	\$167 85	
	Jas. B. Hunt, acting com'r,	50,000 00	
		<hr/>	\$50,167 85
8.	Justus Burdick, do do	267 00	
	D. C. McKinstry, do do	267 00	
		<hr/>	524 00
19.	Jno. M. Barbour, do do	285 00	
	D. C. McKinstry, do do	24,187 34	
		<hr/>	24,472 34
23.	James B. Hunt, do do		30,000 00
26.	Gardner D. Williams, do		189 00
Feb'y 9.	D. C. McKinstry, acting com.,		3,611 62
21.	Hart L. Stewart, do		309 00
Mar. 1.	L. S. Humphrey, do	2,224 84	
	Jas. B. Hunt, do	5,000 00	
	Kintzing Pritchette,	100 60	
		<hr/>	7,325 44
9.	L. S. Humphrey, acting com.,		10,000 00
26.	Theo. Romeyn,	10,000 00	
	do do do	1,800 00	
		<hr/>	11,800 00
28.	J. L. King,		25 75
31.	Bank of Gibraltar,		7,800 00
April 4.	Joshua Howard,	400 00	
	A. H. Adams,	6 00	
		<hr/>	406 00
7.	Jas. B. Hunt, acting com.,		20,000 00
19.	D. C. McKinstry, two warrants,		372 96
20.	Sheldon McKnight,	22 73	
	H. L. Stewart, commissioner,	330 00	
	James B. Hunt, acting do	30,000 00	
	Justus Burdick, commissioner,	273 17	
	A. H. Adams,	100 00	
	Levi S. Humphrey, acting com.,	20,000 00	
	D. C. McKinstry, do do	981 15	
		<hr/>	51,707 05
28.	Douglass Houghton, Geologist,		1,500 00
		<hr/>	
	Carried forward,		\$

GR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

1837.

Dec. 31. By cash on hand this day, \$80,543 55

1838.

Jan'y 1. Cash received of Oliver Newberry, on his contract with Gov. Mason, for \$500,000 of the five million loan, 30,000 00

6. Gov. Mason's draft on Jno. Delafield, New York, favor of H. K. Sanger, cashier of bank of Michigan, on account five million loan, \$60,000 00

Gov. Mason's draft on Jno. Delafield, New York, favor of Jno. Norton, jr., cashier Michigan state bank, 90,000 00

 150,000 00

Feb'y 6. Cash received of Oliver Newberry on his contract, 81,000 00

23. do do do 50,000 00

Mar. 1. Cash received of general fund loaned to this fund by act of legislature, approved Jan'y 30, 1838, 7,224 84

May 19. Cash received of Governor Mason, deposit made in City bank, New York, to the credit of Michigan state bank, on account of five million loan, 80,000 00

Aug. 1. Governor Mason, five several drafts on the Morris canal and banking company, at 90 days' date, favor Jno. Norton, jr., cashier Michigan state bank, viz :

One draft for	25,000 00
do do	50,000 00
do do	75,000 00
do do	50,000 00
do do	50,000 00

 \$250,000 00

Carried forward,

\$

\$

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,		\$
May 4.	H. Howard, Treasurer, to credit of general fund,		80,000 00
12.	Horace Heath,	\$570 00	
	L. W. Osgood,	50 00	
	John Gilbert,	774 09	
		<hr/>	1,394 09
	Conrad Ten Eyck,		6,000 00
16.	Jason C. Gilbert,	50 12	
	Marcus Lane,	10 00	
	Royal Ballow,	70 00	
		<hr/>	130 12
18.	Benjn. L. King,		75 00
20.	Edwin H. Lothrop,	1,000 00	
	William Steers,	4 00	
		<hr/>	1,004 00
21.	John Van Fossen,		50 00
22.	Wm. A. Burt, acting commis'r.,	5,000 00	
	Jacob Dix,	2 00	
		<hr/>	5,002 00
23.	J. M. Hume,	5 00	
	D. Thompson,	18 00	
	John Norton, jr.,	807 80	
		<hr/>	330 80
26.	James M. Wightman,	5 00	
	Benjamin Cotton,	5 00	
	Samuel C. Dix,	2 00	
	Jno. Knider,	20 00	
		<hr/>	32 00
28.	Samuel Torbert,	15 00	
	Lewis C. Mills,	70 00	
	Hosea Gage,	76 72	
	Samuel Sims,	159 56	
		<hr/>	321 28
June 2.	P. O. Whitman,	148 65	
	Chas. Noble,	332 52	
	Mark Norris,	295 08	
		<hr/>	776 25
4.	Charles Davis,	100 00	
	Titus Dort,	22 50	
		<hr/>	122 50
7.	D. C. McKinstry,	5,833 20	
		<hr/>	
	Carried forward,	\$	\$

Contra CR.

	Brought forward,	\$	\$
	Deduct the following :		
Aug. 1.	Placed to the credit of the Allegan and Marshall railroad company,	50,000 00	
	Placed to the credit of the Ypsilanti and Tecumseh railroad company,	50,000 00	
		<hr/>	150,000 00
11.	Governor Mason's draft on the Morris canal and banking company, at 90 days date from September 1, 1838, payment due that day on contract with the state, five million loan,	100,000 00	
	Deduct the following :		
	Placed to the credit of the Allegan and Marshall railroad company, \$10,000,		
	Placed to the credit of the Ypsilanti and Tecumseh railroad company, \$10,000,	20,000	
	To the credit of the internal improvement fund,		80,000 00
Sept. 18.	United States treasury draft on the Bank of America, New York, being five per cent on the sale of government lands in this state, for the third and fourth quarters of the year 1837, and first quarter of year 1838,		4,994 96
	Gov. Mason's four several drafts on the Morris canal and banking company, favor John Norton, jr., cashier Michigan state bank, at 90 days date, Oct. 1, 1838, for the sum of \$25,000 each, being in full of instalment due from said company on Oct. 1, contract with the state for five million loan,	100,000 00	
19.	Cash received of Oliver Newberry, being in full of \$200,000 state bonds retained		

Carried forward,

\$

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

Brought forward,			
June 7.	Lansing B. Mizner, acting commissioner,	5,000 00	
			10,833 20
9.	John R. Williams,		32 56
11.	Wm. Woodbridge,	90 00	
	J. & R. Geddes,	80 88	
			170 88
15.	Samuel Knickerbocker,		70 00
22.	Wm. F. Sheldon,		248 56
26.	Burger and Stevens,		49 75
28.	Hiram Alden, acting commis.,	5,000 00	
	do do do do	7,500 00	
	Edwin H. Lothrop, do	321 10	
			12,852 10
July 3.	Stevens T. Mason,	427 00	
	A. T. Hall,	27 00	
			454 00
5.	Gideon Paull,	22 50	
	J. N. Horner,	45 00	
	Ezra A. Lay,	80 18	
			147 68
6.	Rix Robinson, acting commis.,	5,000 00	
	James B. Hunt, do do	5,000 00	
			10,000 00
7.	Robert Abbott,	100 00	
	Jacob Emerick,	195 90	
	Hiram Alden, acting commis.,	5,000 00	
			5,295 90
13.	Charles Harrison,	32 14	
	John Down,	5 00	
	Hiram Alden,	104 17	
			141 31
14.	John Flynn,		10 00
25.	James Loomis,		149 66
26.	Levi S. Humphrey, acting commissioner, four warrants,		20,000 00
Aug. 3.	Hiram Alden, acting commis.,		5,000 00
4.	E. A. Mather,	1,350 04	
6.	L. S. Humphrey, do	1,250 00	
	L. S. Humphrey, acting com'r,	10,000 00	
	Hiram Alden, do do	5,000 00	
			17,600 04
Carried forward,			

Contra CR.

Brought forward,		\$
by him on his contract with the state for \$500,000 of the five million loan,		39,000 00
Nov. 13. Gov. Mason's five several drafts on the Morris canal and banking company, favor Michigan state bank, at 90 days' date from Nov. 1, 1838, being in full of instalment due from said company on Nov. 1, on contract with the state for five million loan,	100,000 00	
	<hr/>	\$952,763 35
June 13. By bills of Morris canal and banking company, part of five million loan,	10,397 70	
Dec. 11. Gov. Mason's ten several drafts on the Morris canal and banking co., favor of Michigan state bank, at 90 days' date, from December, 1838, in full of payment due at that date on Michigan state loan,	100,000 00	
The following accounts paid out of the principal of this fund, and received of Gov. Mason as cash, viz :		
Prime, Ward & King's account,	8,963 30	
John Delafield's account,	639 00	
	<hr/>	9,602 03
Cash received of Gov. Mason, in bills of the Morris canal and banking company, to apply on the January, 1839, payment, on account of Michigan state loan,	100,000 00	
The following, to apply on the February, 1839, payment, on account of Michigan state loan, viz : bills of the Morris canal and banking company,	95,370 00	
Gov. Mason's draft on said company, at 90 days from February 1, 1839,	4,580 00	
	<hr/>	
Carried forward,	\$	\$

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,		\$
Aug. 14.	A. H. Adams,	\$333 33	
	H. Alden,	104 17	
		<hr/>	437 50
15.	Morrison Clark,		6 04
16.	Douglass Houghton, Geologist,		1,500 00
17.	Hiram Alden, acting commis.,		2,613 27
18.	do do do	329 40	
	do do do	682 31	
		<hr/>	1,011 71
22.	Amos T. Hall,		250 00
25.	Hiram Alden, acting commis.,		364 36
31.	Samuel Clements,	350 00	
	Hiram Alden, do do	5,000 00	
		<hr/>	5,350 00
Sept. 1.	Hiram Alden, do do	3,192 09	
	Thomas Clark,	225 00	
		<hr/>	3,417 09
5.	Wm. A. Burt, acting commis.,	5,000 00	
	J. S. & S. A. Bagg,	256 09	
	Hiram Alden, do do	5,000 00	
	do do do do	722 55	
	Royal Ballow,	135 00	
		<hr/>	11,113 64
7.	H. Howard, Treasurer, to credit of general fund,	7,224 84	
	Benjamin F. Brown,	15 00	
	Wm. B. Burt, acting commis.,	419 14	
		<hr/>	7,658 98
8.	Jno. S. & S. A. Bagg,		14 50
10.	H. Alden, acting commissioner,		312 68
11.	Rix Robinson, do	5,000 00	
	do do do	412 69	
	Edwin H. Lothrop, do	72 00	
	James B. Hunt, do	312 50	
		<hr/>	5,797 19
12.	Post office, city of Detroit,		28 60
14.	Hiram Alden, acting commis.,	104 17	
	do do do	5,000 00	
	John J. Bardwell,	2,000 00	
	Bardwell and Ingalls,	4,000 00	
		<hr/>	11,104 17
	Carried forward,		\$

Contra CR.

Brought forward,	
Gov. Mason's check on the	
Michigan state bank,	50 00
	<hr/> 100,000 00

\$1,272,763 35

Dec. 31. By balance,	\$585,986 68
STATE TREASURER'S OFFICE, }	
Detroit, Dec. 31, 1838. }	

H. HOWARD, *Treasurer.*

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,		\$	
Sept. 19.	J. B. Hunt, acting commis.,	\$5,000	00	
	Hiram Alden, do do	137	88	
				5,137 88
22.	A. H. Adams,	83	33	
	Hiram Alden, acting commis.,	1,642	93	
				1,726 26
Nov. 13.	J. B. Hunt, do do	1,000	00	
	do do do do	1,000	00	
	H. Alden, do do	5,000	00	
	do do do	2,423	70	
	do do do	5,000	00	
	Hiram Alden, acting commis- sioner,	1,129	36	
	do do	231	46	
	Robert Abbott,	100	00	
	Levi S. Humphrey, acting commissioner, eight war- rants, \$5,000 each,	40,000	00	
	Wm. A. Burt, acting commis- sioner,	104	17	
	Hiram Alden, acting commis- sioner,	5,000	00	
	do do do	318	42	
	do do do	104	17	
	A. H. Adams,	63	33	
	H. Alden, acting commission- er,	80	00	
	H. Alden, acting commission- er,	1,825	92	
	J. B. Hunt, do do	208	33	
	J. S. & S. A. Bagg,	28	00	
	L. S. Humphrey, 5 warrants of \$5,000 each,	25,000	00	
	H. Alden, acting commission- er,	346	19	
	J. Charheno,	125	00	
	Rix Robinson,	5,000	00	
	E. H. Lothrop,	63	00	
	James B. Hunt, acting com- missioner,	3,000	00	
	Luther Dean,	40	00	
	Carried forward,	\$	\$	

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,	\$	\$	
Nov. 13.	Joel A. Collier,		25	00
	Hiram Alden, acting commis-			
	sioner,		923	45
	do do do		5,000	00
	do do do		502	76
	A. H. Adams,		83	34
	Wm. A. Burt, acting commis-			
	sioner,		5,000	00
	Wm. A. Burt, acting commis-			
	sioner,		104	17
	Hiram Alden, acting commis-			
	sioner,		2,338	16
	Hiram Alden, acting commis-			
	sioner,		5,000	00
	Hiram Alden, acting commis-			
	sioner,		179	51
			<hr/>	116,347 44
16.	Hiram Alden, acting commis-			
	sioner,		5,000	00
	Hiram Alden, acting commis-			
	sioner,		104	17
			<hr/>	5,105 17
20.	A. T. Hall,		250	00
	A. Clawson,		72	18
			<hr/>	322 18
21.	H. Alden, acting commission-			
	er,			181 16
30.	Levi S. Humphrey, do			
	nine warrants of \$5,000 each,		45,000	00
	John Pleus,		5,000	00
	H. Alden, acting commission-			
	er,		245	34
			<hr/>	50,245 34
	James B. Hunt, acting com-			
	missioner,		1,000	00
	James B. Hunt, acting com-			
	missioner,		5,000	00
	James B. Hunt, acting com-			
	missioner,		90	48
			<hr/>	6,090 48
Dec. 3.	A. H. Adams, secretary board			
	commissioners,		1,635	54
			<hr/>	
	Carried forward,	\$	\$	

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,	\$	\$	
Dec. 3.	A. H. Adams, secretary board commissioners,	1,305	25	
"	A. H. Adams, secretary board commissioners,	1,611	42	
				4,552 21
4.	A. H. Adams, secretary board commissioners,	83	32	
	A. H. Adams, secretary board commissioners,	6,051	36	
	D. C. McKinstry,	2,006	35	
	Wm. A. Burt, acting commissioner,	5,000	00	
	Wm. A. Burt, acting commissioner,	104	17	
	A. H. Adams, secretary board commissioners,	66	98	
	A. H. Adams, secretary board commissioners,	133	52	
				13,445 7 0
	Keeney and Mullet,			2,079 27
7.	J. Eldred and Son,			987 52
	A. H. Adams, secretary board commissioners,	414	15	
	A. H. Adams, secretary board commissioners,	222	43	
	A. H. Adams, secretary board commissioners,	218	98	
	Prime, Ward and Co. on account,	8,963	30	
	Jno. Delafield, on account,	639	00	
				10,457 86
14.	A. H. Adams, secretary board commissioners,	2,356	46	
	Thomas Clark,	225	00	
	D. C. McKinstry,	255	00	
				2,836 46
15.	A. H. Adams, secretary board commissioners,	1,035	60	
	A. H. Adams, secretary board commissioners,	1,508	39	
				2,643 99
18.	George A. Turner,	100	50	
	Carried forward,	\$	\$	

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,	\$	\$	
Dec. 18.	James B. Hunt, acting commissioner,	5,000	00	
	James B. Hunt, acting commissioner,	104	16	
				5,204 66
22.	Titus Dort,			15 00
24.	A. H. Adams, secret'y board commissioners,	166	38	
	A. H. Adams, secret'y board commissioners,	300	37	
				466 75
29.	Rix Robinson, acting commissioner,	5,000	00	
	A. H. Adams, secret'y board commissioners,	1,195	04	
	A. H. Adams, secret'y board commissioners,	201	93	
				6,396 97
31.	A. H. Adams, secret'y board commissioners,			3,041 01
	Balance,			585,986 68
				<u>\$1,272,763 25</u>

(No. 11.)

Summary statement of funds on hand, and to what accounts they stand due, year 1838.

DR. *Summary statement of funds on hand in the State Treasury, and to what accounts they stand due.*

Bank fund,	\$1,260 38
Cash,	720,097 47
Michigan state bank overdraft,	11,558 24
	<hr/>
	\$732,911 09

(No. 11.)

CR. *Summary statement of funds on hand in the State Treasury, and to what accounts they stand due.*

Calhoun county bank,	\$96 19
Erie and Kalamazoo railroad bank,	28 03
Bank of St. Clair,	138 10
Ypsilanti bank,	413 18
Bank of Brest,	72 08
Bank of Oakland,	23 12
Farmers' and Mechanics' bank, Pontiac,	1 18
Genesee county bank,	1 63
Bank of Saline,	12 25
Bank of Coldwater,	8 65
Bank of Marshall,	26 86
Detroit city bank,	3 94
Farmers' bank of Oakland,	1 18
Bank of Lapeer,	4 93
Bank of Goodrich,	8 31
Wayne county bank.	7 48
Saginaw city bank,	1 97
Bank of Gibraltar,	144 16
Bank of Utica,	22 31
Farmers' bank of Homer,	181 56
Bank of Constantine,	63 27
<hr/>	
Amount of bank fund,	\$1,260 36
Sinking fund,	80,562 45
University and primary school fund,	3,817 71
Contingent fund,	1,022 16
Internal improvement fund,	585,986 68
Allegan and Marshall railroad company,	60,000 00
University fund,	261 71
<hr/>	
	\$732,911 09

STATE TREASURER'S OFFICE, }
Detroit, Dec. 31, 1838. }

H. HOWARD, *Treasurer.*

(No. 12.)

Statement of moneys received on account sales of Michigan State Bonds, and how applied, year 1838.

1838.

Jan. 6.	From Gov. Mason, two drafts on John Delafield,	\$150,000 00
	3. Oliver Newberry on his contract,	\$30,000 00
Feb. 6.	do do do	81,000 00
24.	do do do	50,000 00
Sept. 19.	do do do	39,000 00
		<hr/> 200,000 00
Aug. 1.	Gov. Mason's several drafts on Morris canal bank, 90 days,	250,000 00
Sept. 1.	do do do	100,000 00
Oct. 1.	do do do	100,000 00
Nov. 1.	do do do	100,000 00
Dec. 1.	do do do	100,000 00
June 16.	Gov. Mason, paid cash in Morris canal bills,	10,397 70
	Gov. Mason, paid Prime, Ward & King's account,	8,963 30
	Gov. Mason, paid John Delafield's account,	639 00
		<hr/> 20,000 00
Dec. 12.	Bills of the Morris canal bank, to apply on January, 1839, payment,	100,000 00
	The following to apply on the February, 1839, payment, viz: Bills of the Morris canal bank,	\$95,370 00
	Gov. Mason's draft on Morris canal bank, at 90 days,	4,580 00
	Gov. Mason's check on Michigan state bank,	50 00
		<hr/> 100,000 00
July 11.	Deposited in New York by Gov. Mason, to credit Michigan state bank,	80,000 00
June 29.	Received of Michigan state bank, principal of penitentiary state stock,	20,000 00
		<hr/>
	Carried forward,	\$

Brought forward,	\$	\$
Total amount of principal received during year 1838,		1,320,000 00
Applied as follows :		
To the credit of		
Internal improvement fund, \$1,180,000 00		
Ypsilanti and Tecumseh railroad company,	60,000 00	
Allegan and Marshall railroad company,	60,000 00	
Penitentiary fund,	20,000 00	
		<hr/>
		1,320,000 00

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 31, 1838. }

H. HOWARD, *Treasurer.*

(No. 13.)

Estimate of expenses for the support of government, year 1839.

Estimate of expenses for the support of government, year 1839, as follows :

Pay of state officers,	\$16,375 00
Interest on \$100,000 state stock, issued 1836,	6,000 00
Interest on \$20,000 Palmyra and Jacksonburgh railroad stock,	1,400 00
Interest on \$20,000 penitentiary state stock,	1,200 00
do 100,000 Detroit and Pontiac railroad stock,	6,000 00
do 100,000 University state stock,	6,000 00
Geological survey for year, (appropriation)	12,000 00
Expenses of legislature, 1839,	25,000 00
Expenses of printing session laws and journal, &c.	7,000 00
Repairs and insurance on capital,	250 00
Contingent fund,	2,000 00
Balance due Michigan state bank,	11,553 00
Balance due J. S. & S. A. Bagg for printing revised laws and other charges, say	25,000 00
Miscellaneous and unforeseen expenses,	5,000 00
	<hr/>
	\$124,778 00

STATE TREASURER'S OFFICE, }
 Detroit, December 31, 1838. }

H. HOWARD, *Treasurer.*

(No. 14.)

*Estimate of receipts applicable to the support of government,
year 1839.*

*Estimate of receipts applicable to the payment of the current
expenses of government, year 1839, as follows :*

Taxes due from counties for years 1836 and 1837,	\$35,388 00
Assessment made by Auditor General upon the several counties, year 1836,	56,384 00
Merchants, pedlars and tavern licenses, say	8,500 00
Auction duties,	1,000 00
Taxes due from banks on capital stock paid in,	3,000 00
Interest to be paid by Detroit and Pontiac railroad company,	6,000 00
Interest to be paid by Palmyra and Jacksonburgh railroad company,	1,400 00
Interest to be paid by board regents university,	6,000 00
	<hr/>
	\$117,675 00

STATE TREASURER'S OFFICE, }
Detroit, Dec. 31, 1838.

H. HOWARD, *Treasurer.*

(No. 4.)

Report of the committee on the State Geologist's report in relation to the improvement of the State Salt Springs.

The select committee to whom was referred the report of the State Geologist, in relation to the improvement of the State Salt Springs, beg leave to report :

That they have had the subject under consideration, and in view of the great interests involved, would recommend the immediate appropriation of a sum sufficient to carry forward the works already commenced.

Our salt springs, we have good reason to believe, may become one of the most fruitful of our internal resources. We trust they will soon provide our citizens with one of the first necessities of life, at a very moderate expense, and prove to be a perpetual source of revenue to our state.

After a thorough investigation of the facts connected with the whole subject, your committee are not only satisfied that it is for the interest of the state to pursue the improvements already commenced to a final result, but also that any delay in doing so must be attended with loss.

The large amount of salt lands which are now unproductive to the state, taken in connexion with the great amount of money which is annually sent abroad for the article of salt, furnishes arguments of the strongest character.

It should be one of our first objects to render state lands productive, and until improvements of the character of those already commenced have been carried forward to completion, it will be imprudent to take any steps to render them permanently available.

We have every reason to believe, that the improvements proposed, will prove successful, but should this fail to be the case, we are satisfied that the lands may be so disposed of as to furnish a permanent revenue, which will, in a very short time, reimburse the state for all she may expend in the improvements now going on.

The amount of money sent abroad for the article of salt, acts as a drain upon our state, which your committee regard as of no small moment.

From data in the hands of your committee, they are led to believe, that the amount annually sent abroad for the article of salt, cannot be less than three hundred thousand dollars, and probably has considerably exceeded that sum during the past year.

Should the improvements now in progress be successfully carried forward, little doubt can be entertained but that amount of money sent abroad may soon be retained at home, and our salt springs, like those of New York, furnish a handsome revenue to the state.

The revenue derived from duties on salt in the state of New York for the space of ten years, after deducting all expenses, has varied from one hundred and fifty to two hundred and fifty thousand dollars per annum, an amount which serves materially to lessen the burthen of taxation in that state.

The work of improvement in our state, is now going forward, and the amount which will be required fully to test the subject, should, compared with its great importance to the citizens of this state, be looked upon as of minor importance; for in whatever light the subject may be turned, your committee look upon the prompt improvement of our state salines as of the utmost importance.

The embarrassment which the works are now suffering in consequence of the fact, that more than the whole amount of the appropriation of the last year has already been expended, calls loudly for the immediate action of the legislature upon this subject.

The Geologist feels unwilling to involve the expenditure of money in this work without direct instructions upon the subject, while the abandonment of proceedings, even for a short time, would involve an expense in replacing hands in consequence of the isolated position of the springs, which he is very justly anxious to avoid. He has procured a steam engine and other implements for the promotion of the design, and provisions for the winter's support of men now employed, all of which expenditure will mostly be lost, if obliged to suspend operations.

Your committee are also informed by the Geologist, that the work can now be prosecuted to better advantage than at any other season of the year, and that an immediate expenditure is required for pumps, &c. to secure one of the works from an influx of water, which has but recently taken place, and of which, information has been forwarded by express.

The situation of the Geologist under these circumstances, is embarrassing in the extreme: not feeling authorized to advance funds for that purpose, and in constant fear lest a failure to supply what is required, may lead to unfortunate circumstances, he cannot fail to feel much anxiety that the most prompt action be had upon the subject.

In fulfilling the duties assigned your committee, they cannot refrain from alluding to the laborious and responsible duties of the State Geologist, and the deep interest manifested by him in the success of his operations, and trust that every facility will be

afforded, which is necessary for the development of the resources of our young and rising state.

Your committee would therefore recommend that the amount embraced in the accompanying bill, be appropriated for the works now in progress, to be expended in the manner there directed.

NORMAN LITTLE,
NOBLE H. FINNEY,
J. GOODWIN.

(No. 5.)

Attorney General's Report.

To the House of Representatives :

In conformity with law, I herewith transmit the general report of the Attorney General, embracing a statement of his official acts during the past year.

S. T. MASON.

Detroit, January 9, 1839.

REPORT, &c.

ATTORNEY GENERAL'S OFFICE,)

*Detroit, January 1st, 1839. }**To the Legislature of the State of Michigan :*

In accordance with the provisions of law, the Attorney General herewith transmits a report of all the official business done by him the past year. The duties of the office during that time, have been most varied and important ; and the principles involved in the proceedings instituted, have been of great moment, requiring minute investigation and elaborate research. The undersigned has felt strongly his responsibility for the faithful performance of these duties, and he has exerted his best powers so to perform them, that the ends of justice should be obtained and the interests of the state fully protected.

Schedules A, B and C, hereto annexed, show the proceedings instituted in behalf of the state, which are now pending and undetermined.

By reference to schedule marked A, it will be seen that there have been twenty-three injunctions against banks, procured at the instance of the Bank Commissioners ; all of which have been issued upon bills in chancery, praying for a dissolution of the corporations for alleged violations of law.

The great number of these cases has imposed a heavy additional amount of labor and responsibility upon this office, and there is in truth enough of this kind of business at the present time, to occupy the whole attention of one individual. The interests, also, to be affected by these proceedings, are of great magnitude and importance, both to the state and individuals ; as the amount of the bills and notes of the banks thus returned, in circulation at the time of the service of the several injunctions, probably exceed *eight hundred thousand dollars*—and the redemption of this vast amount of liability must mainly depend upon the rigid enforcement of all the provisions of law for the security of the bill holders and creditors of the banks.

The gross frauds which were perpetrated in the organization of a number of these institutions, naturally led to the anticipation that individuals so corrupt in the outset, would not hesitate to throw every obstacle in their power in the way of a proper remedy for the evils they had inflicted. This expectation has proved too well founded; and the greatest difficulty experienced in winding up the concerns of these banks, proceeds from the efforts of persons interested to avoid the effects of those salutary restraints and penalties, which constitute the redeeming features of the act *under* which they were forced into being. It is confidently believed, however, that this difficulty will be overcome and the liabilities of these institutions, in most instances, fully redeemed.

Schedule B, contains a list of a different class of civil cases, at law and in chancery, in which the state is a party or interested, with a brief statement of the nature of, and the proceedings in each case. And schedule C comprises a statement of the criminal prosecutions to which I have personally attended.

The remaining paper, marked schedule D, embraces the reports of the District Attorneys, as far as received.

The Revised Statutes have been in operation so short a period, that it has been hardly possible to judge of the practical operation of its provisions in regard to "criminal jurisprudence." There is one change, however, which it is believed, "*the proper and economical administration of the criminal law of the state fully warrants and requires.*" This is the substitution of some other provision than that now existing, which requires all criminal prosecutions to be conducted by a prosecuting attorney appointed in each county. A rigorous and inflexible administration of the criminal law, has ever been deemed of the most vital importance to the good character, the peace, and happiness of every organized community; and to a young state, whose institutions are yet in embryo; with the character of its inhabitants yet undetermined, and at a time, too, when there are unusual stimulants and incentives to crime, it becomes *all important* that *this administration* should not only be *rigid and inflexible*, but that its execution should be vigorous, prompt, and certain.

In order to effect this much desired object, there must be a *certainly of prosecution*, as well as of *punishment*, for the guilty violator of the law. It needs no argument to prove that this *certainly* cannot be expected unless the services of a competent and experienced, as well as faithful public prosecutor, are ensured. So long as the law requires that all criminal prosecutions shall be in the hands of a public prosecutor appointed in each county, however small, and all compensation is made to depend upon the scanty pittance doled out by the supervisors or commissioners of the county, it is morally impossible that the services of such an officer can be secured; for the lawyer who is competent, can be

more profitably employed ; and few can be found who will serve the public faithfully and intelligently at their own charge.

It is suggested, however, that this object can be effected by an enactment of the legislature, authorizing the appointment of a prosecuting attorney in each judicial circuit, whose duty it should be to be present at the sessions of the court in each county, and attend to the indictment and prosecution of offenders ; and for whom an ample remuneration should be secured, either in the shape of fees for the different services rendered, or by an annual salary.

It may, perhaps, be objected to this proposition, that there is a constitutional difficulty in the way of its adoption. This objection, however, can hardly be a sound one, from the fact that the language of the constitution is, "*that there shall be a prosecuting attorney for each of the respective counties,*" and this would be literally accomplished by the appointment of a prosecuting attorney in each circuit, to attend to the indictment and prosecution of offenders for each county.

If this should, notwithstanding, be deemed a valid objection, the proposed system might still be adopted as an improvement upon the present ; and the duties of the county attorney restricted to the prosecution for petty offences, the arrest and examination of offenders, and the collection of pecuniary penalties.

Even this, it is believed, would be more economical upon the whole, and tend far more to bring about the great end in view—the *certainly* of prosecution and punishment, than the system now in operation.

All of which is respectfully submitted.

P. MOREY, *Attorney General.*

DOCUMENTS.

Schedule A.

1. In chancery, second circuit : Bank Commissioners vs. Farmers' bank of Sandstone. Bill filed, injunction and subpœna issued ; bill taken pro confesso, and receiver appointed.

2. In chancery, second circuit : Bank Commissioners vs. Jackson county bank. The same as above.

3. In chancery, second circuit : Bank Commissioners vs. Bank of Lapeer. The same.

4. In chancery, first circuit : Bank Commissioners vs. Wayne county bank. The same.

5. In chancery, third circuit : Bank Commissioners vs. Bank of Coldwater. Bill filed, injunction and subpœna issued, and receiver appointed.

6. In chancery, third circuit: *Bank commissioners vs. Exchange bank at Shiawassee*. Bill filed, injunction and subpœna issued; bill taken pro confesso, and receiver appointed.

7. In chancery, second circuit; *Bank Commissioners vs. Lena-wee county bank*. Same as the last.

8. In chancery, third circuit: *Bank Commissioners vs. St. Joseph county bank*. The same as No. 5.

9. In chancery, first circuit: *Bank Commissioners vs. Farmers' and Mechanics' bank of Pontiac*. The same as No. 6.

10. In chancery, first circuit: *Bank Commissioners vs. Bank of Kensington*. The same as above.

11. In chancery, first circuit: *Bank Commissioners vs. the Bank of Brest*. Bill filed, injunction and subpœna issued, receiver appointed. Answer of defendants filed, setting up an assignment to A. D. Frazer, Esq. It has, however, been decided by the Chancellor that this assignment is void and invalid.

12. In chancery, first circuit: *Bank Commissioners vs. the president, directors and company of the Oakland county bank*. Bill filed, injunction and subpœna issued, and proceedings discontinued upon coming in of defendant's answer.

13. In chancery, second circuit: *Bank Commissioners vs. the president, directors and company of the Bank of Clinton*. Bill filed, injunction and subpœna issued. Motion for appointment of receiver continued.

14. In chancery, second circuit: *Bank Commissioners vs. Bank of Saline and Alexander D. Frazer, Esq.* Bill filed against the bank, and Alexander D. Frazer, Esq., as the assignee. Injunction and subpœna issued, and receiver appointed.

15. In chancery, first circuit: *Bank Commissioners vs. Bank of Gibraltar*. Bill filed, injunction and subpœna issued. The injunction in this case was special: simply restraining the bank from doing any further business, but leaving creditors at liberty to proceed at law if the bank did not redeem its liabilities, no insolvency being alleged in the bill.

16. In chancery, first circuit: *Bank Commissioners vs. Farmers' bank of Oakland*. The same as above.

17. In chancery, second circuit: *Bank Commissioners vs. Farmers' bank of Sharon*. Bill filed, injunction and subpœna issued, and receiver appointed.

18. In chancery, first circuit: *Bank Commissioners vs. Farmers' bank of Genesee county*. Bill filed, injunction and subpœna issued, receiver appointed, and bill taken pro confesso.

19. In chancery, first circuit: *Bank Commissioners vs. president, directors and company of the Oakland county bank*. Bill filed, injunction and subpœna issued, and motion for the appointment of a receiver.

20. In chancery, first circuit : Bank Commissioners vs. Bank of Goodrich. The same as above.

21. In chancery, first circuit : Bank Commissioners vs. Saginaw city bank. The same as the last.

22. In chancery, first circuit : Bank Commissioners vs. Bank of Oakland. The same.

23. In chancery, first circuit : Bank Commissioners vs. the Bank of Utica. The same.

Schedule B.

1. Supreme court : The People, ex rel. Attorney General, vs. River Raisin and Lake Erie Railroad company. In this case, in accordance with the requirements of the resolution of the legislature, an information, in the nature of a quo warranto, was filed, and a summons issued in June, 1837. At the January term of the court for 1838, it was decided that a venire facias, in the nature of a summons, was the proper writ ; such a writ was issued and is returned. The case is still pending.

2. Wayne circuit : Robert Abbott, Auditor General of the state of Michigan, for, and in behalf of the People of said state, vs. Levi Cook, treasurer of the late territory of Michigan. This suit was commenced under the instructions of the Auditor General, to recover the penalty for the non-delivery of the books, papers, &c. of the office of treasurer to his successor, in accordance with the provisions of law. The case is still pending.

3. Lenawee circuit : Henry Howard, Treasurer, &c. vs. Michael A. Patterson, Benjamin French, Ezra Brown, Geo. Howe, Paul B. Ring, George E. Pomeroy, Jira Payn, Henry L. Hewet, Joseph W. Brown, William H. Hoeg, Stilman Blanchard, and Stephen Fargo. This is an action of debt brought to recover the penalty of a certain bond executed in behalf of the Palmyra and Jacksonburg railroad company, to secure the payment of the interest and principal of a certain loan made to the company by the state, and the performance of certain other conditions. The suit was instituted under instructions from the Auditor General, in consequence of the neglect of the company to furnish additional securities by mortgages on real estate, in accordance with a resolution of the last legislature.

It is claimed by the company, and it is probably true, that the loan is now most amply secured, and an application will probably be made to have the suit discontinued upon payment of the costs.

4. Wayne circuit : James B. Hunt, Acting Commissioner, &c. vs. William T. Pease, Tarleton Jones, and John Chester. An action of replevin was brought in this case, to recover one locomotive engine and wheels, which had been detained by the con-

signees under what was claimed to be an exorbitant charge for freight and transportation from Buffalo to this city.

The cause is at issue and ready for trial.

5. Wayne county circuit : James B. Hunt, vs. Edward Cody. Action of assumpsit for money paid more than was due by mistake. Default of defendant entered and ready for an assessment of damages.

6. Wayne circuit : James B. Hunt vs. James Q. Adams. This was an action of replevin, brought to obtain possession of one railroad car and wheels ; and it is defended on the ground, that the car had been purchased for the use of the Central railroad, in the city of Troy, and belonged to the state. The cause is at issue and ready for trial.

7. Monroe circuit : Robert Abbott, Auditor General, &c. vs. Peter P. Ferry. Action of debt brought under instructions of the Auditor General, to recover the penalty for non-payment of the taxes of Monroe county, due the state.

8. Monroe circuit : Henry Howard, Treasurer, &c. vs. Peter P. Ferry. Action of debt to the amount due the state for the taxes levied in Monroe county in 1836, as above. Both these causes will be ready for trial, it is believed, at the next term of the circuit.

9. In chancery, first circuit : Commissioners of internal improvement, et als. ads. Charles Jackson and David Cooper. In this case a bill was filed by the complainants, and an injunction obtained from a justice of the supreme court, in the sickness of the Chancellor, restraining the defendants from proceeding with the construction of a depot for passenger cars upon grounds in Michigan Grand avenue, in the rear of the city hall.

A motion was made to dissolve the injunction, principally upon the ground that the commissioners were acting by virtue and under the authority of law, and could not, therefore, be restrained from the performance of their duties. This motion was overruled, and the case is still pending for answer and final decision.

10. Supreme court : the People, ex relatione the Attorney General vs. John Williamson, et als. An information in the nature of a quo warranto has been filed in this case, to deprive the defendant of the right to take toll of persons passing over the bridge across the River Huron, in accordance with a resolution of the last legislature.

11. United States circuit court, Ohio : Henry Howard, Treasurer, &c. vs. the Bank of Manhattan. In this case an action has been instituted by direction of the Treasurer, to recover of the bank a penalty of ten thousand dollars, imposed upon it in favor of the state by the terms of its charter.

12. In chancery, third circuit : Samuel B. Knapp, David L. Collins, Robert Abbott, Auditor General of the state of Michigan,

ada. Isaac Willard. The complainants in this case, claim to have a prior mortgage on a piece of land mortgaged as security under the general banking law, to the Auditor General.

Schedule C.

Criminal Matters.

1. Hillsdale circuit: the People vs. Homer Rowell. Indictment for assault and battery, with an offensive weapon, with intent to kill; tried at last April term, found guilty, and sentenced to four years imprisonment in the state prison.

2. Hillsdale circuit: the same vs. the same. Indictment for maiming; not tried.

3. Jackson county circuit: the People vs. Levi D. Smith, Albert Clark and Horatio N. Baldwin. Indictment for conspiracy to defraud; found at last April term.

4. Jackson county circuit: the People vs. Jira Payn, Chas. H. McClure, Porter G. Hughes, Abel F. Fitch, John S. Boyd and Paul B. Ring. A like indictment for conspiracy to defraud; found at same time. In both the above cases, motions to quash the indictment were made by the defendants' attorney at the last October term, which were argued and overruled by the court. Demurrers were then put in, and a motion was made to continue the causes until next term, which was refused by the court. The causes were then argued by defendants' counsel, and continued until the next term, as I have been informed. Owing to sickness I was compelled to leave the court, and took no part in the argument.

5. Jackson county circuit: the People vs. Levi D. Smith, Albert Clark and Horatio N. Baldwin, Abel F. Fitch, Samuel T. Hooper and Gould Butler. Indictment for felony under the general banking law; found last April term.

6. Jackson circuit: the People vs. Jira Payn, Paul B. Ring, Porter G. Hughes, Abel F. Fitch, Phineas Farrand, Wm. Ford, and Walter Budington. The like in all things. In both these cases, motions to quash were made by defendants' counsel at October term; which, after argument, were overruled; demurrers were then filed, and a motion was made to continue them until next term, on the ground that my own sickness had prevented me from making any preparations for the argument, and that I was then unable to argue the demurrers. This was refused, and, as I have been informed, the demurrers were argued by defendants' counsel, and the demurrers sustained. In both cases, however, it is believed that public justice requires the prosecution of the offences; and it is intended to prefer new indictments before the grand jury of Jackson county, at its next session.

7. Monroe circuit: the People vs. Pamela Brown and Milton N. Brown. Indictment as principal and accessory, in poisoning

Amanda Brown; tried at Monroe circuit last June term, and Milton W. Brown acquitted of being accessory, and Pamela Brown removed to the county of Lenawee for trial.

At the October term of that circuit, the cause was postponed until December, when a special term was held, and the trial came on upon the merits, and the jury rendered a verdict of acquittal.

8. Washtenaw circuit: the People vs. George Howe and Andrew G. Irwin. Indictment for felony, under the general banking law. This cause will be ready for trial next term.

9. Lenawee circuit: the People vs. Henry C. Fuller. Indictment for passing counterfeit money; tried at last June term.

10. Lenawee circuit: the People vs. John Lapham. Indictment for passing counterfeit money; tried at last June term.

Both the above trials were attended to at the particular request of the District Attorney for that county.

(No. 6.)

Report of the Judiciary committee on the bill and report of the select committee relative to the collection of taxes in Wayne county.

The committee on the judiciary, to whom was referred a bill from the select committee, authorizing the supervisors of Wayne county, to perform certain duties therein mentioned, report :

That the remedy provided by said bill is not contained in the provisions of a bill reported by this committee, entitled "A bill to provide for the assessment and collection of taxes for the year 1838, and for other purposes," and they therefore concur with said select committee in recommending the passage of the bill reported by said committee.

GEORGE C. GIBBS,
Chairman Judiciary Committee.

The special committee to whom was referred the petition of the township board of the township of Dearborn, in the county of Wayne, beg leave to report :

That for some reason unknown to the committee, the tax list and warrant of collection for said township, was not made out at the meeting of the board of supervisors in October last ; leaving said township without authority to supply the deficiency.

Your committee are of the opinion, that the taxes ought to be collected, notwithstanding the legal measures for that purpose have been neglected, and therefore beg leave to report the annexed bill.

(No. 7.)

Report of the expenditures on the St. Clair and Romeo Railroad, January 10th, 1839.*State of Michigan, county of St. Clair, ss.*

The undersigned, Thomas Palmer, president, and Horatio N. Monson, secretary of the St. Clair and Romeo railroad company, being duly sworn, do depose and say,—That the total amount of expenditures of every kind on said road up to the first day of January instant, have been (so far as they can now be ascertained, some accounts remaining yet unsettled,) about nine thousand dollars.

In witness whereof, they have hereunto set their hands and affixed their seals, this tenth day of January, A. D. 1839.

THO'S PALMER, [L. s.]
H. N. MONSON, [L. s.]

*Subscribed and sworn to, the day
and year above written, before me,* }
A. E. HATHON, N. P., W. C.

(No. 8.)

State Bank Charters.

House of Representatives, January 10, 1839.

On motion of Mr. L. Allen,

Resolved, That the committee on printing be authorized to cause to be printed one hundred copies of the charter of the State Bank of Indiana, and the same number of the charter of the State Bank of Tennessee, for the use of the members of this House.

BANK OF INDIANA.

An act establishing a State Bank.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be, and is hereby created and established, a state bank with ten branches, which, or so many as shall be organized under this charter, to be known and styled the "State Bank of Indiana," and shall continue as such until the first day of January, eighteen hundred and fifty-nine.

Sec. 2. The directors of the state bank first appointed are authorized, and it is hereby made their duty, to locate one branch of said bank at such place within each of the districts hereinafter named as they may deem expedient, to wit :

District No. One, composed of the counties of Marion, Johnson, Shelby, Hancock, Madison, Hamilton, Boon, and Hendricks.

District No. Two, composed of the counties of Dearborn, Franklin, Ripley, Switzerland, and Decatur.

District No. Three, composed of the counties of Union, Fayette, Rush, Wayne, Henry, Delaware, and Randolph.

District No. Four, composed of the counties of Jefferson, Jennings, Scott, Bartholomew and Jackson.

District No. Five, composed of the counties of Floyd, Harrison, Washington, Crawford, and Clark.

District No. Six, composed of the counties of Posey, Vanderburgh, Perry, Spencer, and Warrick.

District No. Seven, composed of the counties of Knox, Sullivan, Daviess, Gibson, Pike and Dubois.

District No. Eight, composed of the counties of Orange, Lawrence, Monroe, Morgan, Martin and Greene.

District No. Nine, composed of the counties of Vigo, Clay, Owen, Putnam, Park and Vermillion.

District No. Ten, composed of the counties of Tippecanoe, Fountain, Montgomery, Warren, Carroll, and Clinton, and of the

territory lying north of Warren and Tippecanoe, and west of Carroll and Cass, to the southern boundary of the northwest district.

Sec. 3. It shall be the duty of the directors of the state bank, after the expiration of one year, to locate an additional branch in the district to be numbered eleven, composed of the counties of Adams, Grant, Huntington, Wabash, Miami, Allen, La Grange, Elkhart, and the unorganized territory attached to said several counties for judicial purposes : and after the expiration of three years, to locate an additional branch of said bank within the district of country lying north of the Wabash river, to be numbered twelve, and not included in any of the districts before mentioned : *Provided*, That there shall be more than three counties in said district : and like proceedings shall be had in organizing the same as are herein prescribed for organizing the other branches : and the state stock therein shall be obtained in the same way, and paid over under the same restrictions and regulations as is provided for the other branches : *Provided, however*, That nothing herein contained shall prevent the board of state directors from paying the same, out of the sinking fund of the state, or any surplus funds under their control.

Sec. 4. Should any of the branches herein established fail to organize, as herein contemplated, it shall be the duty of the directors of the state bank, once in each year thereafter, if required by any number of the citizens who will be responsible for the expense, to open books of subscription within such district, and locate and organize a branch therein at such place as they may select, if the amount of stock herein required shall be taken and paid for under the provisions of this act.

Sec. 5. The said state bank shall keep an office at the town of Indianapolis, and the directors thereof shall meet and hold their sessions at least once in three months. It shall be a body corporate and politic, with power to sue and be sued, plead and be impleaded, in any court of law or equity having jurisdiction, and to transact all other lawful business herein permitted them to do ; and shall have power by and through her branches, and not otherwise, to loan money, buy, sell, and negotiate bills of exchange, checks, promissory notes, and other evidences of debt ; to discount on banking principles and usages, bills of exchange, post notes, promissory notes, and other negotiable paper or obligations, for the payment of money ; to receive deposits, to buy and sell gold, silver, bullion, and foreign coins ; to draw, issue, and put in circulation, bills, notes, post notes, bills of exchange, and other evidences of debt, payable to order or bearer, and not otherwise ; and all such notes and bills put in circulation as money, except post notes, and bills of exchange, shall be made payable on demand ; and to exercise such other incidental powers as shall be necessary to carry on such business.

Sec. 6. The real estate, which it shall be lawful for said bank to purchase, hold and convey, shall be, first, such as shall be required for its immediate accommodation in the convenient transaction of its business ; or, second, such as shall have been mortgaged to it in good faith by way of security for stock, loans previously contracted, or for moneys due ; or, third, such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings ; or, fourth, such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts ; and the said bank shall not purchase, hold or convey, real estate in any other case, or for any other purpose ; and all such real estate, not absolutely necessary for the convenient discharge of its business, shall be set up, at least once a year, at public sale. After having given thirty days' notice of such sale, describing the property so to be sold, and the name of the mortgager, in at least one newspaper in the district where such bank is situate, and placing three written notices in the most public places in the town where the bank is located ; and shall be sold if the same will bring the amount of the debt, interest, and costs for which the same have been bought, received, or taken by the bank, and which shall remain after deducting all profits received therefrom.

Sec. 7. All conveyances of real estate shall be signed by the president of the state bank, and have affixed the seal thereof.

Sec. 8. The said bank shall not at any time suspend or refuse payment in gold or silver of any of its notes, bills, or obligations due and payable, nor of any moneys received upon deposit ; and if said bank at any time refuse or neglect to pay any bill, note, or obligation issued by such bank, if demanded within the usual banking hours, at the proper branch where the same is payable according to the contract, promise, or undertaking, therein expressed, or shall neglect or refuse to pay on demand as aforesaid, any moneys received on deposit, to the person or persons entitled to receive the same, then, and in every such case, the holder of any such bill, note, or obligation, or the person or persons entitled to demand or receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on their said demands, until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum, from the time of such demand as aforesaid ; and any branch so failing to meet its engagements may be closed, as in case of insolvency.

Sec. 9. The said state bank and each and every branch thereof, shall mutually be responsible for all the debts, notes, and engagements of each other.

Sec. 10. All suits or actions against said bank, on any contract or engagement made, or liability incurred by the board of directors of the state bank, or on any contract or engagement made or

liability incurred by the board of directors of any branch, or on any bank bill or note, shall be brought against the state bank of Indiana.

Sec. 11. The process in such case shall be a summons, and shall be served on the president of the state bank, in all cases where the contract, engagement or liability sued for shall have been made by the board of directors of said bank; and in all cases where the contract, engagement or liability sued on, has been made or incurred by a branch, the process shall be served on the president of such branch; and so also where the suit shall be brought on any bank bill or note, the process shall be served on the president of the branch at which such bill or note shall have been made payable: or in all such cases, a copy of the process may be left at the banking-house, or place of doing business of the state bank, or of the proper branch, as the case may be, during the usual hours of business, which shall be good service. And it is hereby made the duty of the president, or any other officer, of any branch, knowing of such service, forthwith to notify the president and directors of the state bank thereof. In all suits brought against said bank, on any note, engagement, or liability of any branch, such suit shall be brought in the county where such branch may be situate: and all suits brought against the state bank on any note, engagement, or liability of the state bank, shall be brought in the county of Marion.

Sec. 12. There shall be no stay of execution on judgments against the bank, for notes issued or deposits made therein, except as herein provided for.

Sec. 13. Said bank shall be entitled to charge and receive for moneys loaned, six per cent per annum, and not higher; but the same may, according to bank rules, be discounted and taken in advance out of the sums loaned.

Sec. 14. The profits arising after paying expenses and reservation for a contingent or surplus fund, shall be divided among the stockholders, according to the amount of stock owned and paid in by each; and in making this calculation and division of profits, each branch shall be independent of the others, and its own profits be divided among its own stockholders.

Sec. 15. There shall be deducted from the dividends, and retained in bank each year, the sum of twelve and a half cents on each share of stock, other than that held by the state; which shall constitute part of the permanent fund to be devoted to purposes of common school education, under the direction of the general assembly, and shall be suffered to remain in bank, and accumulate, until such appropriation by the general assembly; and said tax shall be in lieu of all other taxes and assessments on the stock in said bank. And in case of an ad valorem system of taxation being adopted during this charter, the said stock shall be

subject to the same ratio of taxation as other capital, not exceeding one per cent, including the aforesaid tax, and the said tax shall only be assessed on such portion of the stock as shall have been paid, and on account of which the stockholders shall not be indebted to the state.

Sec. 16. The person administering the government of this state, secretary of state, treasurer, auditor of public accounts, commissioner of the canal fund, judge of the supreme or any inferior court, or any person holding an office or appointment under the authority of the general government, shall not, while in such office, hold the office of president of the state bank, director of the state bank, or president, director, or cashier, of any branch, nor that of member of the general assembly ; nor shall any president, cashier, or director of any branch, at the same time hold the office of president or director of the state bank, on the part of the state, or the office of president, director, or cashier of another branch.

Sec. 17. The notes issued by said bank shall be signed by the president of the state bank, and shall be made payable at the branch which shall issue the same, and shall be signed by the cashier of such branch.

Sec. 18. No sale or forfeiture for unpaid taxes of any real estate, mortgaged to said bank to secure the payment of loans made, shall, until the lapse of five years from such sale, operate to prevent said bank from redeeming the same, on payment of such taxes and damages and interest thereon, as are required by law in other cases of lands forfeited and sold on account of unpaid taxes, if at any time after such sale and forfeiture, such real estate shall become the property of the bank for the payment of any such debt.

Sec. 19. It shall not be lawful for said bank at any time to use or employ any part of its capital stock, or other funds, in the buying or selling of goods, wares, or merchandize, or in any other business or dealing, than is by this act authorized and permitted.

Sec. 20. It shall and may be lawful for said bank, or any branch thereof, to accept, receive, and become responsible for the deposits and public revenues of the United States, upon such terms and conditions as may be agreed on by the agents of the general government and a majority of the directors of the state bank.

Sec. 21. That it shall be lawful for said bank to receive on deposit, (except as above prohibited,) moneys, bullion, plate, and other articles of value of small bulk, on such terms and conditions as may be agreed upon by the parties.

Sec. 22. No note shall be issued of a less denomination than five dollars : and the legislature hereby reserves the right, at any

time after ten years, to restrict and prohibit the circulation and issue of any note for less than ten dollars.

Sec. 23. There shall be in said bank and branches, an account created, opened and kept with the commissioners of the sinking fund, in which they shall be credited with the dividends of profits accruing to the state on her stock, and all other sums passing through or accruing in said bank properly belonging to that fund, which fund shall be under the control and direction of the said commissioners as herein provided.

Sec. 24. It shall not be lawful for the directors of the said state bank to locate any other branch or branches of said bank than is herein authorized.

Sec. 25. The capital stock of said bank may be increased by individual subscriptions at any one or more branches, by and with the assent and concurrence of the legislature and directors of the state bank.

Sec. 26. The general assembly may at any time appoint an agent to examine the state and condition of said bank, and each and every branch thereof, who shall have the same power and rights as examiners appointed by the directors of the state bank; and when any agent as aforesaid shall find and report, or the governor of the state shall have reason to believe that the charter has been violated, it may be lawful for the legislature to direct, or the governor to order a *scire facias* to be sued out of the Marion circuit court in the name of the state, (which shall be executed upon the president of the state bank for the time being, at least fifteen days before the commencement of the term of said court) calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court upon the return of said *scire facias*, to examine into the truth of the alleged violation; and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled; and every issue of fact, which shall arise in such proceeding, and may be joined between the state and the corporation aforesaid, shall be tried by jury, and it shall be lawful for the court aforesaid to require the production of such of the books of the corporation as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court aforesaid shall be examinable in the supreme court of the state, by writ of error, and may be there reversed or affirmed, according to usages of law; and it shall be the duty of the governor to employ counsel on behalf of the state, to prosecute such writ of *scire facias*.

Sec. 27. That a general meeting of the stockholders of each branch shall be held annually, at such time as the directors of the state bank shall direct, at which time elections for directors shall take place, to which meeting the directors of the preceding year

shall exhibit an exact and particular statement of the state, condition and affairs of said branch ; and general meetings of the stockholders may be held at any other time, when ordered by the board of directors of the branch.

Sec. 28. Certificates of stock shall be issued to stockholders, signed by the president and cashier of the proper branch, and may be transferred on the books of the branch to be kept for that purpose and not otherwise ; in which case the old certificates shall be surrendered and new ones issued. No stock shall be transferred by any stockholder when any debt is due, or is then owing and to become due from such stockholder, but by the consent of the directors of the branch, and such stock books shall, at all reasonable times during the usual hours of transacting business, be kept open for the examination of any person, having in his possession any note, bill or obligation on any branch, then due, and the payment of which shall be refused. And in case any officer having charge of such book shall refuse to permit such examination, he shall, for every offence, forfeit the sum of fifty dollars, to be recovered in an action of debt by the person so refused.

Sec. 29. Stock shall be considered as personal property, and may be sold on execution, and transferred on the books of the branch by the officer selling the same, but in all cases be subject to a lien in favor of the bank, for all debts *bona fide* due, or then owing and to become due the same, from the owner.

Sec. 30. After the first election, no stockholder who shall not have held his stock, for which he votes, for three calendar months previous to the day of election, shall be entitled to vote ; and the number of votes to which stockholders shall be entitled, in voting for directors, shall be in the proportion following : that is to say, for each and every share not exceeding four shares, one vote ; for every two shares above four shares and not exceeding thirty, one vote : for every four shares above thirty and not exceeding ninety, one vote ; for every six shares above ninety and not exceeding one hundred and fifty, one vote ; and for every ten shares above one hundred and fifty, one vote. But no person, co-partnership, or corporation, shall be entitled to a greater number than one hundred votes. In all elections, votes may be given either in person or by proxy, but no person shall vote by proxy more than one hundred votes, and no individual stockholder, who shall be a resident of the county where the election is to be held at the time of such election, shall vote by proxy, unless in case of unavoidable absence, except females or minors.

Sec. 31. No president, cashier, clerk, or teller of said bank or any branch thereof, shall be permitted to vote at any election for directors, as the attorney, agent, or proxy of any stockholder. No president, cashier, or director of the state bank, or president

or cashier of either of the branches, shall, during the term of his office, be eligible to a seat in either branch of the general assembly of this state.

Sec. 32. The president of the state bank shall be elected by the general assembly, by ballot of each house separately : *Provided*, that no person shall be elected as such president unless he gets a separate majority of the votes given by each house : *Provided, however*, that after three attempts at an election as aforesaid, should no concurring choice be made, the two houses shall proceed to elect the said president by joint ballot of both houses ; and the person obtaining a majority of all the votes given on such joint ballot, shall be declared duly elected as in other cases. Such president shall hold his office for five years, unless sooner removed by joint resolution, and another appointed in his place.

Sec. 33. It shall be his duty to preside at all meetings of the board and decide all questions on which the board is equally divided, by his casting vote. He shall have power to call special meetings of the board whenever he may find it necessary, and do and transact all other business naturally appertaining to his office or conferred upon him by this act.

Sec. 34. The president of the state bank shall receive as a compensation, to be allowed by the board of directors of said bank, an annual salary, not less than one thousand, nor more than five hundred dollars, payable quarterly.

Sec. 35. The general assembly shall elect four directors of the state bank, in the manner prescribed for electing the president thereof, who shall respectively hold their offices one, two, three and four years, one going out of office each year, and shall at their first meeting after their appointment, determine by lot, the periods they shall respectively hold their offices. Such directors, or any one of them, may at any time be removed by joint resolution of the general assembly. Their compensation shall be fixed by the board of directors of the state bank ; but the compensation of any member of the board shall not be increased during the term of his appointment.

Sec. 36. Vacancies occurring in the office of president or of any state director of the state bank, shall be filled by appointment to be made by the governor, until the same shall be filled by the general assembly, as in this act is provided for the election of the president and directors of the state bank.

Sec. 37. The board of directors of each branch shall annually and as often as a vacancy may occur, elect one director for the state bank, whose compensation shall be fixed by the branch directors, and paid by such branch.

Sec. 38. It shall be the duty of said bank and branches to receive and pay out the revenues and funds of the state, under the

direction and control of the treasurer of the state, whenever the legislature may so direct.

Sec. 39. The board of directors of the state bank shall have power to appoint a cashier and such other inferior officers and agents as may be necessary to carry on their business, to fix their term of office and compensation, and require such bond and security from them as they may from time to time deem expedient.

Sec. 40. The directors of the state bank shall have power to limit and control the amount of discounts and loans of the branches after they shall amount to once and a quarter the amount of capital stock paid in ; to settle and adjust the accounts and balances between them ; and for good cause may suspend the operations of the same. They shall have power, and it shall be their duty, to regulate and equalize the state funds and public deposits that may be in bank, and may transfer the same from one branch to another, as circumstances may require. But they shall in no case withdraw any part of the capital stock of any branch, or any part of its own local funds, without the consent of the board of directors of such branch, to be used in any other branches, except in cases requiring such branch to be closed as herein provided for ; and they shall have power to make and prescribe all necessary by-laws to carry the powers herein conferred into effect.

Sec. 41. They shall have power to appoint one or more of their number to visit and inspect the condition and affairs of each branch, when and as often as to them shall seem necessary, and it shall be their duty to make such examination at least once in six months, and also at any other time when thereto required by the directors of any branch. No director shall be appointed by the state bank, to examine, visit, and inspect the condition and affairs of any branch from which he has received his appointment.

Sec. 42. The person or persons so examining shall have power to examine on oath or affirmation, (which they are hereby authorized to administer,) all the officers, servants, or agents of any branch, or any other person, in relation to the affairs and condition of such branch ; and they shall have power to examine all the books, papers, notes, bonds, and other evidences of debt of any branch ; to compare the books, funds, and property of said branch, with their returns and statements made thereof ; to ascertain the amount of money and available funds on hand, and generally to make every other inquiry and examination necessary to ascertain the actual condition of such branch.

Sec. 43. The board of directors of the state bank shall have power to require of the board of directors of each branch, reports

of their business and condition, as often as shall be expedient, and not less than once each month.

Sec. 44. They shall have power, whenever they shall ascertain in any manner, that any branch is insolvent, or is mismanaging its affairs, whereby the interest of the other branches is endangered, or that a branch hath violated any of the provisions of this act, or any other act binding upon them, or that any branch hath neglected or refused to comply with any legal order or direction of the board of directors of the state bank, and it is hereby made the duty of said board, forthwith to suspend the business of such branch, and the power of the branch directors over the same, and if the interest of the state, or the safety of the other branches, requires it, to close up the affairs and business of said branch entirely; and to effect the same, they are hereby vested with power to appoint a receiver or receivers, who shall, under their direction and control, collect and receive the rights, credits, and effects due such branch, and turn them into available funds; to settle, adjust, and compound the same; to settle, adjust and pay off the debts due by such branch; and if any portion of the capital stock of such branch, or stock notes given therefor, shall be unpaid, to sue for and collect the same; as also all contributions required from stockholders under the provisions of the one hundred and second section of this act, or so much as shall be necessary to meet the demands against such branch.

Sec. 45. That a copy of such order suspending or closing any branch and appointing a receiver or receivers to take charge of the same, signed by the president and attested by the clerk of said board, and the seal of said state bank, shall be sufficient to authorize such receiver to seize and take charge of the same; and all officers, stockholders, servants, and agents of such branch, shall be required to obey and submit to the same, and in default may be indicted for misdemeanor, and fined and imprisoned at the direction (discretion) of the jury trying the same; and any person fraudulently holding and concealing any of the property or effects of such branch from such receiver, shall, upon conviction thereof upon presentment or indictment, be fined in any sum not exceeding one thousand dollars, and confined at hard labor in the state prison for any term of time, not less than one year nor more than ten years.

Sec. 46. It shall be the duty of the directors of the state bank to provide for the payment of all the debts of a failing branch that shall remain due after all the property, real and personal, rights, credits, and effects, and all the stocks of such failing branch and the contributions of its stockholders, shall have been applied; and for that purpose they are hereby authorized to call on the other branches for their respective proportions; arranging the time of making such calls so that the whole amount of such debt shall be

paid within one year after such failing branch shall have been suspended.

Sec. 47. And if it shall so happen that the property, stock, contributions, or effects of said failing branch shall not by that time have been turned into available means, the same shall be collected and distributed among the several branches to meet the advances by them made to pay the debts of such failing branch.

Sec. 48. After payment of all demands against a failing branch, if any of its effects, of whatever kind or description, shall remain, the same shall be first applied to the payment of the state stock therein, and shall be divided among the other branches and used as capital in the same as so much state stock; and if any residue should still remain, it shall be paid over to the other stockholders in their due proportions.

Sec. 49. Any order of the board of directors to suspend or close a branch shall be carried by at least the votes of two-thirds of the members present at some meeting, to attend which all the members of the board shall have been notified; and the question shall be taken by ayes and noes, and the same recorded on the minutes of the board.

Sec. 50. The order of the board of directors of the state bank suspending any branch, shall likewise have the effect to suspend all suits, judgments, orders, decrees, and executions, for any claim or demand which said branch should have paid: nor shall any such suit be progressed in until the matter in controversy shall have been submitted to the board of directors of the state bank, or the persons by them entrusted with the affairs of said branch; and if, on such admission, the justice of such claim shall not be admitted and the same be agreed to be paid on the closing up of the affairs of said branch, the same may progress to judgment; but execution thereon, and all other executions or decrees, shall remain until one year from the time such branch was suspended.

Sec. 51. The directors of the state bank shall have power to regulate the manner of holding elections for directors of the branches, and may, if necessary, change and fix the time of holding the same, of all which elections reasonable notice of time and place shall be given.

Sec. 52. And in case an election of directors should not be made on the day when the same should have been, the directors of the state bank shall order a new election, and the directors for the time being shall continue to hold their offices until such election takes place and their successors are qualified.

Sec. 53. No failure on the part of the general assembly or of the branches to elect directors of the state bank, shall be considered as a dissolution of this corporation, but the directors for the

time being shall continue to hold and exercise their offices until their successors are chosen and qualified.

Sec. 54. Said directors shall have power to regulate and control the dividends of profits, so that the capital stock shall never be diminished, and to create and keep up a surplus fund that shall never be less than one-sixteenth of the capital stock in each branch.

Sec. 55. In the calculation of the profits previous to a dividend, interest then unpaid, although due, or accrued on debts owing to any branch, shall not be included.

Sec. 56. Dividends of profits shall be declared semi-annually.

Sec. 57. They shall have power to close any branch which, after the first year, shall not yield a profit of six per cent per annum upon the capital actually paid in, and the same may be proceeded in as in case of insolvency, unless the discounts shall have been limited and controlled by the directors of the state bank, so as to prevent said stock from yielding such profit.

Sec. 58. They shall cause to be opened and kept by their clerks, accounts with each branch, shewing the operations of each, and keeping constantly in view their business and condition, which shall be at all reasonable times open to the inspection of any stockholder, and of any person authorized by the legislature to inspect the same.

Sec. 59. They shall likewise keep a record of all their proceedings, in which all their orders, votes and resolutions shall be entered, with the ayes and noes on all questions, which shall be open to like inspection.

Sec. 60. They shall apportion the salary of the president and all other officers, agents, and directors of the state bank, and all other general expenses, among the several branches, according to the amount of stock in each, and shall have power to demand and receive the same.

Sec. 61. It shall be the duty of the directors of the state bank to keep and preserve the original books of subscription of stock, and to cause to be returned to them from each branch, every six months, a statement of all transfers of stock made the preceding six months.

Sec. 62. They shall also procure and take charge of the plates on which the paper of said bank shall be printed, and shall cause a sufficient amount thereof to be printed from time to time, as occasion may require.

Sec. 63. They shall deliver on the order of the board of directors of each branch an amount of such paper, not exceeding twice an amount of the capital actually paid in at such branch, except when more shall be wanted to replace that which may have been worn out, defaced, or lost: in which case all so defaced shall be returned to said board of directors of the state bank and destroy-

ed; and they shall give no other or greater amount for paper lost than they shall have good reason to believe is actually lost by circulation or otherwise.

Sec. 64. Five directors, with the president, shall be necessary to constitute a board for the transaction of business. But in case of sickness or absence of the president, his place may be supplied for the time being by any director whom the board may appoint.

Sec. 65. It shall be the duty of the board of directors of the state bank, in the first week of the session of the general assembly in each year, to make report to both houses of the general assembly of the affairs and business of said bank and each branch thereof, setting forth in regard to each,

1st. The amount of available funds on hand, designating each kind.

2d. The amount of notes discounted.

3d. The amount of bills of exchange.

4th. The amount and condition of the surplus fund.

5th. The amount of notes in circulation.

6th. The number of officers and servants, and the amount of compensation to each.

7th. The amount of rents paid, if any.

8th. The value of houses used for banking purposes.

9th. The value of other real estate, and whether the same has been regularly offered for sale, as by this act required.

10th. The amount of debts due to and from other banks.

11th. All such other matters as shall by them be deemed material and important, or shall be required of them by the legislature. A like report shall be furnished to the general assembly by the board of directors of each branch. Such report made by the directors of each branch, shall contain such statement of the condition of the same as aforesaid, as the same is found on the third Saturday of November, in each year, at two o'clock in the afternoon.

Sec. 66. The directors, and all other officers and agents of the state bank, and of each branch, shall severally, before they enter upon the duties of their office, make oath or affirmation, well and faithfully to discharge the duties of the same.

Sec. 67. The stockholders of each branch shall by ballot annually elect not less than seven nor more than ten directors for such branch, the number to be settled by the directors of the state bank; and the directors of the state bank shall appoint three directors for each branch: such branch directors shall hold their office for one year, and until their successors are chosen and qualified.

Sec. 68. The said branch directors, at their first meeting after each election, shall choose one of their number to be president,

and shall have power to appoint a cashier and such other officers and agents as they may deem necessary, whose term of office and whose compensation, together with the president, shall be established by the directors. They shall also have power to fill all vacancies occurring in their own body, except in those appointed by the state bank, which shall be filled by those directors of the state bank, appointed on the part of the state.

Sec. 69. No director appointed by the directors of the state bank shall be chosen more than twice in three years.

Sec. 70. No branch director, except the president, shall receive compensation for his services, unless by vote of the stockholders.

Sec. 71. No person shall be elected a director of a branch by the stockholders, who shall be in arrear to such branch, nor unless such person shall be a citizen of the state, and a stockholder owning in his own right, and not in trust, at least five shares in such branch. But in case there should not be a sufficient number of stockholders owning five shares to constitute the directory, they may be elected out of those having the highest number of shares.

Sec. 72. If, during his term of office, any director shall become in arrear, or fail in business, remove from the state, or cease to own the requisite amount of stock, or otherwise become disqualified, it shall be the duty of the said board of directors forthwith to vacate his seat, and appoint another in his place.

Sec. 73. No person shall be a director in more than one branch at the same time; nor shall two or more partners be at the same time directors of the same branch, or of the state bank and a branch thereof; nor shall a director of any moneyed corporation, having power to discount and to receive deposits, be a director of any branch.

Sec. 74. The board of directors of each branch shall have power to require such security from their officers and agents, for the performance of their duties, as they may deem necessary.

Sec. 75. It shall be their duty to make report of their business, and condition of their branch, to the board of directors of the state bank, once in each month, and oftener, if thereto required by said board, setting forth all the particulars required in their reports to the legislature, and shall also send copies of their monthly reports to each branch.

Sec. 76. The board of directors of each branch shall keep a book or books, in which shall be entered and faithfully recorded, a journal of all their proceedings, which book shall be open to the inspection of all the stockholders, at all regular meetings of the same; and also, be open to the inspection of any three stockholders, holding together in their own right, twenty shares of stock, on application by them made to the president or cashier.

Sec. 77. All elections by the several boards of directors shall be viva voce, and recorded.

Sec. 78. The directors of each branch shall have power to make and prescribe such by-laws, rules and regulations, as they may deem needful, touching,

1st. The government of their respective branches, and the management and disposition of its stock, business, property, estate and effects ;

2d. The time, manner, and terms upon which discounts and deposits shall be made and received in and by the same ;

3d. The duties and conduct of the officers, clerks and servants employed by the same, and

4th. All such matters as may appertain to the concerns of said branch :

Subject to the control of the directors of the state bank in the cases and according to the powers herein given to the directors of the said state bank.

Sec. 79. In the management of their business the board of directors shall observe the following rules :

1st. No branch shall loan money on the security of its own stock.

2d. No persons shall be accommodated with a loan while in arrear for stock, for interest, or for loans had either on his own account or as security for others, and then due, unless the sums so due be retained and first paid out of such loan.

3d. In the renewal of notes, the security shall never be lessened.

4th. No director shall be allowed to borrow out of bank on any other than the usual banking terms.

5th. The president, cashier and directors for the time being, of any branch, or of the state bank, shall not be permitted to endorse for each other. Nor shall they vote on questions in which they are interested.

6th. On all applications for loans of five hundred dollars or upwards, there shall be five concurring votes out of seven, and so on in proportion, if any greater number is present ; and if any such application is granted, the ayes and noes shall be entered in the minutes of the board.

7th. No corporation of any description shall, at any one time, be permitted to be indebted, at one branch, in a greater sum than five thousand dollars, for moneys loaned, unless by permission of the board of directors of the state bank.

8th. It shall be the duty of the board of directors of each branch, as often as once in three months, to cause a strict examination to be made of the accounts of the cashier, and a full and complete settlement thereof ; and a full statement thereof shall be entered on the journals of the proceedings of said board.

9th. No persons shall be entitled to receive any dividend or profits on stock owned, while indebted to said bank for any debt or demand then due and payable, but the same shall be placed to his credit until such debt or demand is paid.

10th. Seven members shall be necessary to constitute a board for the transaction of business.

Sec. 80. Every officer, agent or clerk of said bank or branches, who shall wilfully and knowingly subscribe or make false statements or false entries in the books of such bank or any branch, or shall wilfully and knowingly subscribe or exhibit false papers with the intent to deceive any person authorized to examine or inquire as to the condition of said corporation, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the state prison, for such term of years as the jury trying the case may think proper, and likewise any commissioner or examiner wilfully or knowingly subscribing or making any false report, shall be deemed guilty of felony, and subjected to like penalties.

Sec. 81. Any officer, agent, or clerk, employed in said bank or any branch, who shall embezzle or appropriate the property or funds of said bank, or any branch, with the intent to cheat and defraud the same, shall be deemed guilty of felony and punished in like manner.

Sec. 82. The capital stock of said bank shall be one million six hundred thousand dollars, in shares of fifty dollars each, one half thereof to be subscribed for and owned by the state of Indiana, and the other half by individuals or corporations.

Sec. 83. The said capital stock shall be equally divided among the several branches hereby created, making the sum of one hundred and sixty thousand dollars at each branch, and if at any time that amount cannot be profitably used in any branch, the directors of the state bank by and with the consent of the directors of such branch, may withdraw such portion of the state capital as cannot be profitably employed in said branch, and place it in such of the other branches as can most advantageously use the same, and such portion, when placed in a branch, shall, for the time it shall remain therein, be considered as so much of an addition to its capital, and it may govern its operations accordingly; and the branch from which such state stock is taken, shall be regulated in its operations [according] to its remaining capital: and the directors of the state bank may, when they deem it expedient, withdraw such portion of the state stock from any branch, for the purpose of being replaced as state stock in the branch from which it shall have been taken, or in any new branch that shall be organized, or in any of the other branches.

Sec. 84. The directors of the state bank, after giving thirty

days' notice in all the newspapers of this state, shall cause to be opened books for the subscription of stock at such places within the districts aforesaid as they may designate for the location of branches, under the direction of three commissioners, whom they shall appoint. Said books to be kept open between the hours of nine and twelve o'clock A. M. of each day, for the space of thirty days.

Sec. 85. If stock to the amount of eighty thousand dollars shall be subscribed within said time for either of the branches aforesaid, it shall be the duty of the commissioners having charge of the subscription books, to examine as to the responsibility of the subscribers for the stock, and if by them deemed responsible, or not, to make their report accordingly in writing under their signatures, to the directors of the state bank, without delay.

Sec. 86. If, on closing the books at any of said places, it shall be found that more than eighty thousand dollars have been subscribed for any branch, the excess shall be taken first from such as reside out of this state; then from corporations, and should there still be an excess, the same shall be taken in proportion from the subscriptions over five hundred dollars, until all are reduced to that amount, then from all equally, until the whole amount shall not exceed eighty thousand dollars.

Sec. 87. If a sufficient amount of stock shall be subscribed for by responsible persons at any of the branches, it shall be the duty of the state bank directors, as soon as they can ascertain when said branches can be furnished with the capital on the state stock in said branches, to give notice to the subscribers for stock, of the time when the first payment on their stock shall be made, which notice shall be by publication in the nearest newspaper to each branch, sixty days before any payment shall be required to be made.

Sec. 88. The directors of the state bank at the time of giving the notice as to the payment of the first instalment on the stock, shall also, in like manner, give notice, that an election will be held on the day succeeding that appointed for the payment of the stock, between the hours of ten A. M. and four o'clock P. M. of said day, at some public place, at the point where the branches shall be located, for the election of directors on the part of the stockholders in their respective branches.

Sec. 89. In case of failure, on the part of any subscribers for said stock to meet the first instalment, the commissioners having in charge the subscription books for stock, shall immediately re-open said books and keep the same open for the space of twelve hours, for the purpose of permitting subscriptions for such share or shares on which payment has failed to be made; and should there be more subscribers than there are shares to be subscribed for, preference shall be given to such as are not holders of shares,

and the shares shall be equally distributed among the remaining subscribers, and if the number of subscribers shall still more than equal the number of shares to be taken, those who shall have shares shall be decided by lot, under the direction of said commissioners.

Sec. 90. The subscribers for stock at each of the branches shall, at the time appointed by the president and directors of the state bank, pay, in specie, the sum of thirty thousand dollars to the commissioners having charge of the stock subscription books for the respective branches, as the first payment on their stock; and the residue of said stock shall be paid in specie, in two equal annual instalments; and each resident stockholder in said branches shall have the right of having the instalments that shall become due on his stock paid for by the state of Indiana, in specie, to the proper branch, upon securing the amount of the same to the state, to be paid on or before the expiration of nineteen years from the year eighteen hundred and thirty-four, with interest thereon at the rate of six per cent per annum, payable semi-annually, by giving a bond and mortgage on the fee simple of unincumbered real estate, the fair cash value of which shall be (exclusive of perishable improvements,) at least equal to twice the amount of such loan. The said bond and mortgage to be taken in the manner and subject to the provisions hereinafter specified.

Sec. 91. As soon as the stock shall have been subscribed and paid for, at any of the branches as aforesaid, it shall be the duty of the president and directors of the state bank to subscribe for eighty thousand dollars of stock in such branch, on the part of the state; of which fifty thousand dollars, in specie, shall be paid by the president and directors of the state bank to such branch, at the first general meeting of the board of directors of the state bank after the organization of the board of directors of any such branch; and at the same time, the president and directors of the state bank shall give to the president and directors of the branch an order on the commissioners for the subscription of stock, for the payment of the thirty thousand dollars paid on the stock of said branch. And the residue of the state stock shall be paid in like manner, in two equal annual instalments from the time of said general meeting of the president and directors of the state bank.

Sec. 92. When the president and directors of the state bank and branches shall have been qualified by taking their oath or affirmation of office, and shall have organized themselves, and informed the governor of the state that the state bank and branches are prepared to enter upon the business of banking, he shall, by proclamation, authorize said state bank and branches to commence their banking operations.

Sec. 93. At the first general meeting of the bank directors of

the state bank, they shall deliver to the president and directors of each branch the by-laws, rules, and regulations for the same, together with the bills, notes, checks, books and papers provided for such branch, taking the necessary receipts therefor; and also for the amount of stock, paid on the part of the state, in such branch, a duplicate of which receipts shall be filed by the president and directors of the state bank, in the office of the treasurer of state.

Sec. 94. Should any failure of payment on the first, or any subsequent instalment, take place on the part of any subscribers for said stock, then and in such case, the party failing shall forfeit and pay, if for the first instalment, the sum of ten dollars per share, to the president and directors of the state bank, to be recovered by an action of debt; and in case of a failure to pay any subsequent instalment at the time required by this charter, the president and directors of the branch shall be at liberty to sell and transfer any such share or shares of stock at public auction, after giving ten days' notice thereof in writing, put up at the door of said branch bank; and any surplus remaining, after paying the amount due and incidental charges, with the ten per cent on the amount paid on such share or shares on which such instalment shall be due, shall be paid over to the owner or owners of such stock previous to the sale thereof; and, if the same cannot be sold for sufficient to pay up the instalment then due thereon, the same shall be forfeited and become the property of the proper branch.

Sec. 95. The dividends declared by the directors of the state bank, on the state stock, and on such portions of the stock belonging to the other stockholders who have had their stock paid for through the medium of the state loan, and which shall not have been paid for by such stockholders, shall be paid by the directors of the state bank and branches to the board of commissioners of the sinking fund, and not otherwise, unless upon the written instructions of the board to that effect. And it shall be the duty of the directors of the state bank to ascertain, at the times of making their dividends, the amount due of the loan on the part of the state, to such stockholder, and declare the dividend thereon accordingly; and the dividends accruing on the stock, or such portions of the stock as shall not be required to be paid to said board, shall be paid, on demand, to the holders thereof respectively, except in cases expressly provided by this charter.

Sec. 96. In case the amount of such dividend on individual stock so herein provided to be paid to the commissioners of the sinking fund shall not be sufficient to pay the interest due from the owner of such stock for the money so loaned to him by the state, then it shall be lawful for said commissioners to demand and receive of said bank a sufficient sum from the dividends due

on the residue of the stock of such owner, as will pay the balance of such interest.

Sec. 97. It shall not be lawful for said bank or any branch to discount or receive any note or other evidence of debt in payment of any instalment due, or to become due on any shares of its stock, or with the intent of providing the means of making such payment, or to receive or discount any note or evidence of debt, with the intent of enabling any stockholder to withdraw any part of the money paid in by him on his stock: nor shall said bank or any branch make any loan of its specie, or discount or receive any note or other evidence of debt for the purpose or furnishing means for any new branch to organize, or to enable any subscriber for, or holder of shares of the stock of any branch, to make payment of any instalment due thereon.

Sec. 98. It shall not be lawful for said bank and branches at any time to have a greater amount of debts due to said bank and branches, than twice the amount of the capital stock actually paid in; nor shall said bank and branches owe or be indebted in a larger sum than twice the amount of its capital paid in, exclusive of sums due on deposits; nor shall any branch at any time have due or owing to it, or be indebted, exclusive of deposits, in a larger sum than twice the amount of its capital stock actually paid in, without express permission from the board of directors of the state bank; and such permission shall only be given in cases where one branch shall loan to another branch part of its funds, to be used for a definite time, and such permission shall only extend to such period of time; and in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their individual and private capacities, in an action of debt against them or any of them, in a court competent to try the same, by any of the creditors of said bank or the bank itself, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said bank, or the lands, tenements, goods, chattels, money or effects of the same, from being also liable for, and chargeable with such excess. And any director or directors who may be absent when such excess is created or contracted, or who may have dissented from the resolution or act, whereby the same was created or contracted, may respectively exonerate themselves from being so liable, by causing or requesting, in writing, at the time, his or their dissent to be entered on the minutes of the board, and by forthwith giving notice of his or their absence or dissent to the governor of the state, and to the stockholders, by giving notice thereof in some newspaper published near said bank or branch.

Sec. 99. Every director not present at the meeting when such excess shall be created or contracted, shall, nevertheless, be

deemed to have been concerned therein, if the same shall appear on the books of the board, and he remain a director for six months thereafter, and does not within that time give notice of the same, as required in the preceding section.

Sec. 100. The insolvency of said bank or [any] branch shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving compensation for their services, are bound by law to observe; and it shall be incumbent on the directors and stockholders of the bank, or any branch, should the same become insolvent, to repel by proof the presumption of fraud.

Sec. 101. In case of the fraudulent insolvency of said bank or any branch, the president and directors of said bank or branch, respectively, by whose acts or omissions the insolvency was wholly or in part occasioned, and whether then in office or not, shall each be liable, in the first instance, to the creditors and stockholders of the said bank or branch, or any or either of them, for his proportional share of their respective losses; the proportion to be ascertained by dividing the whole loss among the whole number of directors liable; and if any such president or director shall be unable, by reason of being insolvent, or for any other cause, to pay his proportional part of such loss, then the residue of said loss shall be borne and paid in equal parts by the remaining directors liable as aforesaid, until the whole loss shall be reimbursed, or the whole property, rights, credits and effects of each of said directors shall have been exhausted towards the payment of such loss; but this section shall not be construed to diminish the liability of directors as before declared.

Sec. 102. If the moneys remaining due to the creditors of said bank or any branch, whose insolvency shall be adjudged fraudulent, after distribution of its effects, and after the property, rights, credits and effects of the president and directors of such insolvent bank or branch shall have been exhausted, shall not be paid by the stockholders, the deficiency shall be made good by the contributions of the stockholders of the branch becoming insolvent. The whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock of said branch, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him, not exceeding the nominal amount of such shares, in addition to the sums paid, or which he may be liable to pay, on account of those shares; but, before such contribution shall be required, or assessment made, on any shares where the whole stock had been paid, the instalments unpaid on any shares shall be required to be paid up, and the estimate of the deficiency made accordingly.

Sec. 103. For the purpose of providing funds on the part of the state to pay her subscription of stock in said bank, and afford to her citizens, who may become stockholders therein, the ability of paying up their second and third instalments of stock, the commissioners of the canal fund are hereby authorized and directed to contract, on the part of this state, a loan of one million three hundred thousand dollars, or so much thereof as shall be required for the purposes of this act, at a rate of interest not exceeding five per cent per annum, redeemable after twenty, and within thirty years, at the pleasure of the state—for the payment of which, and the interest thereon, at such time and place as agreed upon, the faith of the state is hereby irrevocably pledged. Previously, however, to said fund commissioners performing any duties by this section provided, they shall enter into bond, with good security, in a penalty to be fixed by the treasurer of state, payable to the state of Indiana, conditioned well and truly to perform the trust reposed in them, and to pay over all moneys to the president and directors of the state bank of Indiana, which they may receive, on account of any contract or loans made by them, in behalf of the president and directors of the state bank of Indiana, which bond shall be approved by the treasurer of state, and when so approved, it shall be his duty to cause it to be filed in the office of the secretary of state.

Sec. 104. Said loan shall be so negotiated from time to time, as to be drawn for by instalments as follows: not exceeding five hundred thousand dollars, when the said bank shall be ready to receive the same for business, and the residue in two annual payments thereafter; such instalments to be varied in amount to suit the number of branches that shall organize under the provisions of this act.

Sec. 105. The said commissioners, or a majority of them, shall have power to issue bonds for said loan executed by them, payable to order or bearer, copies of which bonds shall be filed in the office of the secretary of state.

Sec. 106. Said commissioners shall receive the same per diem compensation for their services herein, as now allowed them, also their expenses to be adjusted by the directors of the state bank.

Sec. 107. Said fund commissioners shall make report to the general assembly fully of their proceedings herein; they shall keep a record of their proceedings; shall pay over the said loan on the order of the president and directors of the state bank, and take and preserve all proper drafts and vouchers therefor.

Sec. 108. That it shall be lawful for the general assembly, by and with the consent of the president and directors of the state bank, and of the president and directors of each branch, and not otherwise, to make such amendments and alterations in this char-

ter as may be found expedient: *Provided*, That said bank or any of its branches, shall not be authorized by any such amendment to suspend or refuse the payment of specie for its notes, bills or obligations; or for any moneys received upon deposits, and that no such amendment shall be made, the faith of the state is hereby pledged to the creditors of said bank and branches.

Sec. 109. The state reserves the power of making provision hereafter for the investment of the proceeds of the sales of the college lands, lands reserved for the use of township schools, and saline reservations, and such other corporate or state funds which may be deemed expedient, as stock in said bank, under such regulations as will secure the safety of the same, and make them more productive, and guard the rights of those concerned.

Sec. 110. That the president and directors of the state bank, first elected by the state, shall have power to organize themselves as a board of directors of the state bank, by taking the oath or affirmation and giving bonds as herein required, and shall, when so organized, have power to open or cause to be opened, the books of subscription, and locate and organize the branches herein authorized, to procure plates, and cause paper to be struck, and to do and perform all those things requisite and necessary to put the said branches in operation, any thing in the sixty-fourth section of this act to the contrary notwithstanding.

Sec. 111. That it shall not be lawful for the said bank, after the first of January, eighteen hundred and fifty-seven, to discount, loan money, or do any other banking business, and all the power herein conferred shall cease, except those incidental and necessary to collect and close up its business. And the general assembly hereby retains the power at any time after the said first [of] January, eighteen hundred and fifty-seven, to establish a new bank and branches, notwithstanding the privilege herein conferred.

Sec. 112. This act shall be taken and received in all courts, and by all judges and magistrates, and other persons, as a public act; and all printed copies of the same, which shall be printed by or under the authority of the general assembly, shall be admitted as good evidence thereof, without any other proof whatever.

Sec. 113. There shall be created a fund, to be called the sinking fund, which shall consist of all unapplied balances of the loan or loans procured on the part of the state for its stock in the state bank, or for the purpose of being loaned to stockholders to enable them to meet their stock instalments in the bank; the semi-annual payments of interest on the state loans to stockholders, and the sums that shall be received in payment of said loans, the dividends that shall be declared and paid by the state bank on the state stock, and the dividends accruing on such portions of the stock belonging to the other stockholders, as shall have been

paid for by the loan on the part of the state, and which shall not have been repaid by such stockholders.

Sec. 114. The principal and interest of said sinking fund shall be reserved and set apart for the purpose of liquidating and paying off the loan or loans, and the interest thereon, that shall be negotiated on the part of the state for the payment of its stock in the state bank, and the second and third instalments on the shares of the other stockholders in said bank, and shall not be expended for any other purpose, until said loan or loans, and the interest thereon, and incidental expenses, shall have been fully paid, and after the payment of said loan or loans, the interest and expenses, the residue of said fund shall be a permanent fund, and appropriated to the cause of common school education in such manner as the general assembly shall hereafter direct.

Sec. 115. The president and directors, on the part of the state, of the state bank, shall constitute a standing board of commissioners of the sinking fund, and the president of said bank shall be the president of the board, and the cashier of said bank shall be the clerk of said board. They shall have the superintendence and management of said fund under such powers and restrictions as are conferred or imposed by this act, or the legislature from time to time shall prescribe. It shall be the duty of said board to loan all moneys belonging to said fund, and examine the title to all real estate mortgaged to the state to secure the loans made by the state to the stockholders in the state bank, and the loans made by said board of moneys belonging to said fund; to ascertain and determine the value of such real estate; to take the necessary bonds and mortgages to secure the payment of any such loans and the interest thereon; to receive and collect the amount due of the principal or interest of any such loans; and in the examination of the title to real estate, fixing the value thereof and the amount for which it is to be mortgaged, the amount of the loan, its duration and rate of interest, the nature of the mortgage, the registering, cancelling, or foreclosing thereof; and in the making and collecting any of said loans, with the interest thereon, the said board shall be governed in all respects by the provisions of the several acts authorizing the loaning of the seminary funds; except on loans made by the state to stockholders in the state bank, the time for the payment of the principal and interest of said loans shall be regulated by this charter. The said board shall receive and collect from the state bank the semi-annual dividend that shall be declared on the state stock, and on such portions of the stock of other stockholders as shall have been paid for through the medium of the state loan, and which shall not have been repaid by such stockholders to said board.

Sec. 116. It shall be the duty of said board to see that the interest is promptly paid on the state loan or loans made for the

payment of its stock, or that of the other stockholders, in the state bank ; and for this purpose, they shall have the right to command the services of the president and directors of the state bank, free of charge, to pay the same ; and it shall be the duty of said bank to pay said interest on said loan or loans, when required by said board, the said bank to be reimbursed, for the amount of interest thus paid, by said board, and all exchange and expenses actually incurred.

Sec. 117. Said board shall make all necessary arrangements for meeting any legal charges or requisitions on said fund, and pay and discharge the same in the manner prescribed by law. They shall keep in a book, to be provided for that purpose, full accounts of all their acts and proceedings, and an account shall be kept showing in detail the receipts, loans, and disbursements of said fund ; separate books shall be kept, in which shall be entered the amount of the receipts of dividends on the state stock in the bank, and on account of each stockholder that is required to be paid to said board ; and after the payment of the interest due on the loan of any such stockholder to the state, out of said dividends, or otherwise, the residue of such dividends shall be applied to the payment of his loan, and shall be credited on his bond and mortgage by said board ; and when such bond and mortgage shall be satisfied by said dividends, or otherwise, the same shall be cancelled, and the bank dividends on the stock of such stockholder shall not be paid to said board, but to the owner of said stock.

Sec. 118. The said board shall annually report to the legislature, during the first week of its session, giving a full and detailed statement of the operations and situation of said fund.

Sec. 119. The president and commissioners of said board, the clerk and all its agents, shall each, before entering on their duties, take an oath or affirmation, faithfully to discharge the duties assigned them, a certified copy of which shall be filed in the office of the treasurer of state. The said president, commissioners, and clerk, shall severally give a bond to the state of Indiana, with such securities as shall be approved of by the governor, in the sum of fifty thousand dollars, conditioned for the faithful performance of the duties of their office, the amount of which bonds may be enlarged from time to time, or one or more additional bonds required, as the legislature may require, which bonds shall also be filed in the office of the treasurer of state.

Sec. 120. The said commissioners, for each and every day they may be necessarily engaged in the discharge of the duties of their office, shall each be allowed two dollars per day : and they shall make such allowance for the services of their clerks and agents as shall be a fair and reasonable compensation therefor, which sums, with the incidental expenses for stationery, &c.

for said board, shall be paid out of said fund, and an account thereof be embraced in the annual report of said board. The legislature reserves the right of changing the amount of the compensation of any of the officers in this section mentioned, other than that of the president.

Sec. 121. The board of commissioners of the sinking fund shall be authorized to employ, as agents, the directors on the part of the state, in any of the branches, for the purpose of making and securing any loan, or to collect the same or the interest thereon, or the dividends coming to said fund from any branch, of which agents are directors, the said board being responsible for the acts of said agents.

Sec. 122. This act shall be in force from and after its passage.

N. B. PALMER,

Speaker of the House of Representatives.

DAVID WALLACE,

President of the Senate.

Approved 28th January, 1834.

N. NOBLE.

An act amendatory of an act entitled "An act establishing a state bank," approved January 28, 1834.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the president and directors of the state bank of Indiana, shall be authorized to increase the capital stock of any of the branches of said bank, by individual subscriptions, to an amount by which the capital of each shall not exceed two hundred and fifty thousand dollars. The additional capital to be made at such periods, and in such sums as the president and directors of the state bank shall deem best calculated to promote the interests of the state, and the welfare of the institution. The subscription and payment of such additional capital to be under the direction of the parent board, except that the state shall not be required to furnish any means for payment of such stock: *Provided, however*, That the state may subscribe for and take one half of said additional capital on the same conditions as heretofore, except that the same shall be paid in at the time the individual stock is paid for.

Sec. 2. That the president and directors of the state bank may from time to time authorize the several branches, or any of them, to extend their discounts to an amount, the average of which for each fiscal year shall not exceed two and a half times the capital stock actually paid in; and for this purpose the debts due to them exclusive of deposits and cash balances in other banks and branches, may be extended to average as aforesaid, twice and one half the amount of the capital actually paid in, but shall

never exceed that proportion, and never shall exceed three times the amount of the capital actually paid in, at any one time : the power being still reserved by the state board of restricting the branches in their discounts to once and a quarter the amount of capital paid in : *Provided, however,* That the state reserve the right of repealing or amending this section, at the session commencing December, 1839, and also at the session commencing in December, 1845

Sec. 3. That the president and directors of the state bank may empower any of the branches at their own expense, to open books for the transfer of their stock in any of the cities of the United States ; and any such branch may authorize transfers of any portion of its stock, without lien or restriction, on which the state has no lien on said books ; which books shall be kept open for public inspection, conformably to the provisions of the 28th section of the act of which this is amendatory, and such transfers shall be regularly certified to the state bank according to the charter.

Sec. 4. It shall be lawful for the state bank and branches, in the computation of interest or discount, to charge according to the standard and rate set forth in "Rowlet's Tables;" and in computing the time which a note has to run to reckon the days inclusively.

Sec. 5. The directors on the part of the state in each branch, shall be appointed by the president and directors, on the part of the state, of the state bank.

Sec. 6. That the trustees of any congressional township in this state, by their clerk, on the last day of April or October, in any year, (or if such day be Sunday, then on the day previous,) may subscribe for stock in any branch of the state bank, with the consent of the said branch, which shall be so far a creation of additional capital in said branch, to be considered as part of the additional stock herein first provided for ; and shall be rated at the same amount per share as the original shares, but the whole amount of the subscription shall be paid on subscribing : on which the dividend shall be semi-annually apportioned in common with the other capital ; and to be payable to the treasurer of such township, and certificates of such stock shall be issued accordingly. The said stock to be put on the footing of state stock in every particular, as to responsibility. The same not to be taxed : *Provided, however,* It shall not be lawful for such trustees to subscribe for such stock, unless the majority of the voters, at any annual election for a trustee, shall, by a majority of all the votes given at such election, determine that such stock be taken ; which determination shall be evidenced by the voters writing on their tickets the words "bank stock."

Sec. 7. That any branch or branches shall be authorized to

contract with such board or officers as the state may empower, for the receipt and disbursement of any deposits of public funds by the state, and for the interest to be paid thereon, subject to the approval of the board of directors of the state bank.

Sec. 8. It shall not be lawful for the bank or any branch thereof, to buy at a greater rate of discount than six per cent per annum, any promissory note, or inland bill of exchange, made by any person or persons, who, as either principal or endorser, shall have, within one month previously, offered any note or bill for discount, and which bill or note has been rejected or not discounted.

Sec. 9. That the counties of Elkhart and Kosciusko be included within the 12th bank district of the state of Indiana.

Sec. 10. That the directors of the state bank are hereby authorized, should they deem it expedient, to locate the twelfth branch of the state bank on or before the first day of July next, at such place within said district as they may deem expedient, which said branch may be organized immediately thereafter, any thing contained in the third section of the bank charter to the contrary notwithstanding.

Sec. 11. Before any of the foregoing amendments shall have the effect of law, the consent of the branches and state bank thereto, embracing all of said amendments, shall be given according to the provisions of the 108th section of the charter; evidence of which assent shall be filed by the state bank in the office of the secretary of the state, and a record thereof shall be made in said office; and the same from such filing shall be taken and considered as a part of the charter of said bank.

CALEB B. SMITH,

Speaker of the House of Representatives.

DAVID WALLACE,

President of the Senate.

Approved, January 25, 1836.

H. NOBLE.

BANK OF TENNESSEE.

An act to establish a State Bank, to raise a Fund for Internal Improvement, and to aid in the establishment of a system of Education.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a bank shall be and is hereby established in the name and for the benefit of the state, to be known under the name and style of "The Bank of Tennessee," and the faith and credit of the state are hereby pledged for the support of the said

bank, and to supply any deficiency in the funds hereinafter specifically pledged, and to give indemnity for all losses, arising from such deficiency.

Sec. 2. *Be it enacted*, That the capital of said bank shall be five millions of dollars, to be raised and constituted as follows : The whole of the common school fund, whether the same is vested in stock in the present banks in the state, or in the hands of the superintendent of public instruction, or in the hands of the county agent or other persons, except so much as may have been vested in any works of internal improvement, as well as the proceeds of the Ocoee lands, shall constitute a part of the capital of the Bank of Tennessee ; the surplus revenue, on deposit with the state, together with the unexpended interest thereon, shall also constitute a part of the stock of said bank ; and in addition to these amounts a sum shall be raised in specie, or funds convertible into specie at par value, on the faith of the state, sufficient to make the whole capital five millions of dollars : *Provided*, That if the fourth instalment of the surplus revenue apportioned under the act of Congress, approved 23d January, 1836, should be deposited, with this state, the amount received shall be added to, and constitute a part of the capital of said bank, and be an addition to the capital stock of five millions of dollars above specified : *Provided further*, That the stock owned by the state in the Union bank shall not constitute any portion of the capital of the Bank of Tennessee.

Sec. 3. *Be it enacted*, That the money belonging to the common school fund which may now be in possession of the superintendent of public instruction, or which may hereafter come into his possession, shall be handed over to the president and directors of the Bank of Tennessee as capital in bank, and said president and directors, or a majority of them, shall be authorized and required, for and in behalf of the state, and with a pledge of the public faith and credit, to issue to the superintendent aforesaid, state stock or certificates of debt for such sum or sums as may be from time to time paid over by the said superintendent to the said president and directors ; and the governor of the state, the comptroller of the treasury, and the superintendent of public instruction, shall dispose of the stock, in any and all the banks of the state, belonging to the common school fund, whenever the same can be sold at par for specie, or funds convertible into specie at par value, and pay over the proceeds to the president and directors of the bank, who shall issue certificates of stock to the superintendent of public instruction as aforesaid : *Provided*, That any dividends on the same which shall not be declared at the time of the sale, shall not be sold with the stock, but the same shall be received by the superintendent and paid over to the president and directors of the bank, and shall constitute a part of the contingent

fund, to meet the annual or semi-annual liabilities of the bank, as shall also the interest and dividends which may hereafter arise on any portion of the capital of the school fund, before said capital is paid over to the president and directors of said bank; and in like manner the superintendent of public instruction, shall pay over the proceeds of the sale of the Ocoee lands as they are received, and take certificates of stock: *Provided*, That if a system of common schools shall be adopted and put into operation by the present general assembly, the funds which may accrue after the year 1837 for the benefit of common schools, from the bonuses of the present banks, and bonuses and dividends arising from other incorporate companies, and from privileges, fines, penalties and taxes, shall constitute part of the annual fund of distribution by the superintendent, and shall not be subscribed in stock in the state bank. But should a system of common schools not be adopted as aforesaid, the said funds to be vested as stock in said bank until otherwise directed by the general assembly.

Sec. 4. *Be it enacted*, That it shall be the duty of the comptroller of the treasury, to draw from the Union bank, the Planter's bank, and the Farmers' and Merchants' bank, the amount of the surplus federal revenue, now on deposit with said banks, in two yearly instalments: the first instalment to be drawn on the first day of January, 1839, each instalment to be drawn in specie, at par value; and as soon as each instalment is received, he shall pay over the same to the president and directors of the state bank, and receive certificates of stock, which shall be kept by him for the benefit of the state: *Provided*, That if the said banks or either of them, shall fail or refuse, upon demand made as aforesaid, to pay over the surplus, or any part which may be demanded at the times aforesaid, then the comptroller shall direct suits to be instituted by the attorney general of the state, for the amount so withheld, together with the ten per cent authorized by the charters; and until such instalments are demanded, the present banks shall hold the surplus at the rate of six per cent per annum, payable half yearly, and the interest so accruing shall constitute part of the sinking fund hereinafter designated.

Sec. 5. *Be it enacted*, That it shall be the duty of the governor of the state, on behalf of the state, to execute the bonds of the state for two and a half millions of dollars, which bonds shall be signed officially by the governor, and countersigned by the secretary of state, with the seal of the state affixed, and payable thirty years after date, to the president and directors of the Bank of Tennessee or their assigns, bearing an interest not exceeding six per centum per annum, which shall be payable semi-annually at the office of the treasurer of Tennessee, or at such other place, within the limits of the United States, as the president and directors may select, which said bonds shall be delivered to the presi-

dent and directors of said bank : *Provided*, The governor shall execute said bonds, of any amount not less than one thousand dollars each, and payable in such denomination of money as the president and directors may require, which bonds, and also those hereafter directed to be issued to pay for stock in internal improvement companies, shall be made payable to, and be sold and disposed of by the president and directors of said bank, for specie, or funds convertible into specie without loss, and shall not be sold at a discount. And whenever any state bonds may be issued for the benefit of any internal improvement company, as hereinafter directed, the governor shall deliver them to the president and directors of the bank, and the full amount thereof, at their nominal value, when the proceeds are received by the bank, shall be placed to the credit of the company, for whose benefit such bonds may have issued. And any premium for which such bonds may be sold, shall ensure to the benefit of the state : *Provided*, That if, at the end of ninety days after any bonds may have been delivered to the banks, such bonds have not been sold at par, as herein provided for, then the president and directors of the bank shall, on application of the president and directors of the internal improvement company, for which such bonds were issued, deliver the same to them, upon their securing them in payment of the state subscription at their nominal value, or the said president and directors of the bank, may, at their election, pay such internal improvement company, the amount of such bonds, at their nominal value, and retain the same, to be kept or disposed of for the benefit of the state.

Sec. 8. *Be it enacted*, That immediately after the location of the principal bank and branches, the governor of the state shall nominate and appoint twelve persons to act as directors, more than one-third of whom shall in no case be merchants ; and which nomination and appointment, shall be subject to confirmation, or rejection, by the general assembly, and the twelve persons so nominated and confirmed, shall constitute the directors, one of whom shall be the president, who are hereby incorporated and made a body politic and corporate, by the name and style of "The President and Directors of the Bank of Tennessee," and shall so continue until the first day of January, 1838, and by that name shall sue and be sued, plead and be impleaded, and they are hereby made able and capable in law, to have, receive, purchase, enjoy, and return, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of what kind, nature or quality soever, and the same to sell, grant, demise, alien or dispose of, and also to make, have, and use a common seal, and the same to break, alter and renew at their pleasure, also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for

the government of said corporation, not being contrary to the laws and constitution of the state, or of the United States.

Sec. 7. *Be it enacted*, That the president and directors as elected, shall continue in office for two years, and until their successors are nominated and confirmed as aforesaid.

Sec. 8. *Be it enacted*, That of the dividends which shall be declared by the bank, one hundred thousand dollars shall be annually set apart for common schools, and the faith of the state is hereby pledged for an annual appropriation of said amount to common schools, to be applied as the general assembly may direct. Of the dividends of the bank remaining, there shall be annually appropriated for thirty years and no longer, or not so long, if the bank should not continue so long in operation, eighteen thousand dollars to county academies, to be applied as the general assembly may direct, and the faith of the state is hereby pledged for the annual payment of said sum : *Provided*, The trustees of the respective county academies in the several counties of this state, shall relinquish to the state all claims which they have against the state of Tennessee, for the debt due to those institutions from citizens residing south of French Broad and Holston, and west of Big Pigeon rivers, and all claims they may have to lands in the Ocoee district, as well as all claims which they have against said citizens, which relinquishments shall be filed in the office of the secretary of state, and the proceeds of two half townships of land in the Ocoee district, reserved by the act disposing of said lands for the use of colleges and academies, shall be set apart for and given to the East Tennessee college and Nashville university, upon the trustees of said institutions executing such relinquishments as are herein directed for the academies: *And provided further*, that such of said institutions as shall relinquish, as herein provided for, shall be entitled to their rateable proportion of the fund herein appropriated, according to the terms of said appropriation, and on such further conditions as the present general assembly may prescribe, in the event the federal government shall hereafter relinquish to the state of Tennessee, the vacant lands south and west of the congressional reservation line, an amount of forty thousand dollars, out of the sale of those lands, shall be set apart as a perpetual fund for the support of a college in the western district, provided, that the general government in the act of relinquishment shall grant to the use of such college the appropriation herein made. The balance of the dividends shall be set apart as a sinking fund, to be applied to the extinguishment of the accruing interests on the bonds of the state, whether the same have been executed under any former act, or may be executed under this act.

Sec. 9. *Be it enacted*, That the following powers, rules, con-

ditions, limitations and restrictions, shall be fundamental laws of said bank, viz :

Article 1. The board shall select one of their number to preside over their deliberations, who shall be elected by a majority of the directors present, of whom not less than five shall constitute a quorum to do business, and no person not a citizen of this state, or who is a stockholder, or director of any other bank, or copartner of any such director, in trade and merchandize, shall be eligible as a director : *Provided*, should it so happen that any director should be appointed, who is a stockholder or director in any other bank, his seat shall be considered vacant and the place filled by the other directors, as in other cases of vacancy : *And provided further*, if any director appointed as aforesaid shall, during his continuance in office, purchase stock or become a director in any other bank, his seat shall be vacated, which shall be filled by the directory as in other cases.

Article 2. The president and directors for the time being, shall have power to elect and remove the cashier, and they shall also have power to appoint such officers, clerks, and servants under them as shall be necessary for executing the business of the said corporation, and allow them such compensation for their services, as may be reasonable.

Article 3. No director shall be entitled to any emolument, but the directors for the time being shall have power to make such compensation to the president of the bank, for his extraordinary attendance at the bank, and superintending its concerns, as shall to them seem reasonable. No discount shall be made when the cashier may be a maker or endorser.

Article 4. They shall receive money on deposit, and pay away the same to order, free of expense, deal in bills of exchange, and buy and sell any of the state stock now issued, or that may hereafter issue, and discount notes at said bank, with two or more good endorsers thereon, at a rate of interest not exceeding six per cent per annum : *Provided*, That this article shall not be construed so as to prevent the said bank from demanding and receiving a reasonable premium for exchange, in addition to the interest, upon bills or notes payable at a point beyond the limits of this state. *Provided, also*, that said bank, or either of said branches, never shall purchase and have running to maturity, or on hand, a greater amount of bills of exchange than the amount of notes under discount.

Article 5. The total amount of debts which said corporation shall at any time owe, whether by bond, note, or contract, shall not exceed twice the amount of the capital stock paid in at the time, over and above the moneys on actual deposit for safe keeping. Nor shall the entire amount of the risk or investment or securities, in what form soever, (save and except actual current

coin,) at any time exceed twice the amount of the capital stock paid in.

Article 6. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their private capacities, and an action of debt may, in such case, be brought against them or any of them, or their heirs, executors or administrators, in any court of this state, having jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, and agreement, to the contrary notwithstanding. But this shall not be so construed to exempt said banks, or the lands, tenements, goods or chattels of the same, and on their insufficiency, the state of Tennessee being also liable for, and being chargeable with, the said excess, such of the directors who may have been absent when said excess was contracted or created, shall be exonerated from individual liability; or who may have dissented from the resolution or act by which the same was contracted or created, may respectively exonerate themselves from being individually liable, by entering, if present, their dissent on the books of the bank, at the time the debt may be so contracted, and forthwith give notice of the same to the comptroller of the state.

Article 7. In case of vacancy, occasioned by the death, resignation, or removal out of the state, or otherwise, of any director, a majority of the directors shall fill such vacancy, and the director so appointed shall hold his office during the unexpired term of the director so vacating: and in case of sickness or necessary absence of the president, the board may appoint a president for the time.

Article 8. The directors shall keep fair and regular minutes of their proceedings, in a well bound book, and on questions where two directors shall request it, the yeas and nays shall be ordered, and on all such questions every member present shall be required to vote: and these minutes shall at all times be produced, on the demand of the legislature, or any committee legally authorized to require the same.

Article 9. Every president and cashier, before he enters on the execution of his duty, shall give bond, with two or more securities, to the satisfaction of the directors, payable to the governor of the state, in a sum not less than one hundred thousand dollars, conditioned for the faithful performance of his duty, and the tellers and clerks shall give like security, in a sum not less than twenty thousand dollars, which bonds shall be filed and recorded in the secretary's office.

Article 10. The president, directors and cashiers, and all other officers of the principal bank and branches, shall take and subscribe the following oath on entering on the duties of their respective offices. "I, A. B., do solemnly swear or affirm, that I

will faithfully discharge the trust reposed in me as ——— of the Bank of Tennessee, and that I will not wilfully or knowingly violate any direction or provision of the charter thereof; so help me God.

Article 11. All bills, bonds and notes of the corporation, shall be signed by the president and countersigned by the cashier thereof, and the fund of the bank shall in no wise be held responsible therefor, unless the same shall be executed as aforesaid.

Article 12. The bills or notes which it shall be lawful for said corporation to issue and circulate, shall not be for a less denomination than five dollars, and after the 1st day of January, 1841, not less than ten dollars.

Article 13. The board of directors shall be capable of exercising such other powers and authorities as may be necessary for, the well governing and ordering the affairs of the said corporation, and of promoting its interests and credit.

Sec. 10. *Be it enacted*, That the bills, obligatory or of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names; and bills or notes which may be assigned by order of the said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporations, shall be binding and obligatory upon the same in like manner, and with the like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which are or shall be payable to person or persons, his, her or their order, shall be assignable by endorsement in like manner as foreign bills of exchange now are, and those which are or shall be payable to bearer, shall be negotiable and assignable by delivery only.

Sec. 11. *Be it enacted*, That it shall be the duty of the president and directors of the principal bank and branches, to furnish to the general assembly, in the first week of every regular session, statements of the amount of the capital stock of said corporation, and of the debts due the same, of the moneys deposited therein, of the notes in circulation, and of the cash on hand, together with all other property of said bank, both real and personal; and the general assembly shall have the right to inspect all such accounts.

in the bank as relate to the transactions of said principal bank and branches, and shall, whenever it may be deemed necessary, appoint a joint committee of both houses of the general assembly for that purpose, with full power to send for persons and papers; and it shall be the duty of the comptroller to inspect all accounts in the books of the principal bank and branches, as often as he may please, and it shall, and is hereby declared to be his duty, faithfully to report all and every violation of the fundamental rules of this corporation to the legislature.

Sec. 12. *Be it enacted*, That the bills or notes of the said corporation originally made payable, or which shall become payable on demand in gold and silver coin, shall be receivable at the treasury of this state, and by all tax collectors and other public officers in all payments for taxes or other moneys due to the state.

Sec. 13. *Be it enacted*, That a majority of the members present at any regular meeting of the directors of the principal bank and branches, may suspend any director with a view to his expulsion; and any member may be expelled at a meeting of the board of directors, specially convened by the president for that purpose, as soon after such suspension takes place as practicable, but such expulsion shall not be made by a majority of less than two-thirds of the whole number of directors.

Sec. 14. *Be it enacted*, That it shall be the duty of the comptroller to make a biennial report to the legislature on the subject of the principal bank and branches, and if, in his opinion, the transactions of the principal bank and branches, or any particular circumstances relating thereto, shall require it, he shall apply to the general assembly for a select committee, who shall take into consideration any matter relating to the principal bank and branches submitted to them by the comptroller, and report thereon at the discretion of the legislature, and the comptroller shall be furnished by the principal bank and branches with a general statement of their condition once in every month.

Sec. 15. *Be it enacted*, That it shall be the duty of the president and directors of the bank, to publish quarterly, in some newspaper, the state and condition of the bank and its branches.

Sec. 16. *Be it enacted*, That if any president, director or cashier, or other officer of the said bank, or any of its branches, shall embezzle, or fraudulently convert to his, or to their own use, any sum of money, bank note, bill of exchange, check, bond, or other security, placed under his care and management, the person so offending, his aiders, abettors, and counsellors, upon conviction thereof, shall be judged guilty of felony, and be sentenced to imprisonment in the state penitentiary, for a term not less than three nor more than twenty-one years, the term to be fixed at the discretion of the jury trying said offence, and shall forever thereafter

be disqualified from holding any office of profit or trust in the state, and shall moreover be liable for the sum embezzled.

Sec. 17. Be it enacted, That the sum discounted on notes, with two or more sufficient securities, as provided for by this act, shall be apportioned, as far as practicable, among the several counties in this state, annually, in proportion to the qualified voters; and the president and cashier of the bank or branch, shall give notice in some public paper, printed in the county in which the bank or branch may be located, stating the amount that each county may be entitled to borrow, within ten days after the right to borrow in manner aforesaid, may arise; and should the sum, or any part thereof, to which any county should be thus entitled, be not applied for within fifteen days after such notice, by the inhabitants thereof, by presenting bills or notes for discount, with good endorsers, that it may be discounted as aforesaid, to any person or persons applying for the same. The principal bank and three branches shall be located in middle Tennessee, two branches of the said bank in the western district, and two branches in east Tennessee.

Sec. 18. Be it enacted, That the lands, tenements, and hereditaments, which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation for the transaction of its business, and such as have been *bona fide* mortgaged to it by way of security for, or conveyed to it in satisfaction of, debts previously contracted, in the course of ordinary banking business, or purchased at sales upon judgments or decrees rendered in favor of said bank.

Sec. 19. Be it enacted, That it shall be the duty of the governor, as soon as the directors are appointed of the principal bank and branches, to convene the several boards of the same, by advertisement in some newspaper, giving ten days' notice thereof, at the place the bank or branch may be located, for the purpose of carrying this act into effect.

Sec. 20. Be it enacted, That whenever the president and directors of any company, incorporated for the purpose of internal improvement, shall negotiate any bonds executed under the provisions of this act, it shall be their duty to notify the president and directors of the bank of the place at which the interest on said bonds is stipulated to be paid, which shall be within the limits of the United States; and the president and directors of the bank shall provide for the payment of the interest aforesaid, out of the dividends of the bank: *Provided,* That if there shall be a surplus of the dividends, after setting apart the amount appropriated to common schools and academies, and after paying the interest on the bonds of the state, the same shall be held by the bank as a contingent fund, to be appropriated at any time when there may occur a deficiency in the dividends for the purposes aforesaid:

And provided, also, that if at any time there shall be a deficiency in the dividends, to liquidate the accruing interest on the state bonds, and the contingent fund shall be insufficient for such purpose, such deficiency shall be made up out of any uninvested funds that may have been declared on the stock owned by the state in the several works of internal improvement: and if there should still be a deficiency, the same shall be made up by the individual stockholders of the several roads in which the state has subscribed for stock, in proportion to the amount for which the state may have issued her bonds: in each the amount so paid by the several companies, to be reimbursed out of the first dividends declared in favor of the state on her stock in said companies. In the event the dividends of the bank and the profits arising from the stock of the state in internal improvements, shall prove insufficient to liquidate the interest on the bonds of the state, issued for the purpose of internal improvement, it shall be the duty of the governor to notify the president and directors of such companies, in which the state has subscribed for stock, at least three months before the interest will become payable on the state bonds, of the probable deficit, and of the amount which will be required of each company to be paid, in order to meet the interest on the bonds of the state: and upon receiving such notice from the governor, it shall be the duty of the president and directors of each and every company thus notified, forthwith to make a call upon the individual stockholders for an amount equal to the sum claimed by the governor, in his notice to said companies: which sum or sums of money shall be paid at the time, place and manner required by the governor; and upon failure thereof by any of the said companies to meet the instalment thus required, it shall be deemed and taken to be a forfeiture of the interest of the individual stockholders, thus failing to pay the instalment called for by the governor. *And provided further*, That no state bonds shall be issued for the payment of state stock in works of internal improvement, under the provisions of this act, until the bank hereby established, shall go into operation.

Sec. 21. *Be it enacted*, That the state of Tennessee shall become a subscriber for one half of the capital stock in all railroads, macadamized turnpikes, graded turnpikes, and sanded turnpikes, for which acts of incorporation have heretofore been granted, or for which acts of incorporation may be hereafter granted: *Provided*, That the subscription on the part of the state shall not exceed an average of three thousand dollars per mile, in any company, for macadamized turnpikes, nor shall it exceed one thousand dollars per mile on graded turnpikes, nor seven hundred and fifty dollars per mile in sanded turnpikes: *Provided, also*, The subscription by the state to the Charleston and Cincinnati railroad, and the Hiwassee railroad, shall not exceed one million three hun-

dred thousand dollars, to be equally divided between them, and to be expended within the state of Tennessee.

Sec. 22. *Be it enacted*, That whenever the governor shall be notified in writing by the president and directors of any company, for the construction of railroads, macadamized turnpikes, graded turnpikes or sanded turnpikes, that one half of the capital stock of said company has been subscribed for, thereupon the governor shall appoint a number of directors, to be stockholders, equal to the number elected by individual stockholders; and if in the opinion of two-thirds of said entire board, the payment is well secured by the individual stockholders, or that the individual stockholders are good and solvent persons, and fully able to pay the amount of stock subscribed for by each of them, and that they have paid ten per cent upon the stock, the governor of the state is hereby authorized and empowered, and required to subscribe, on behalf of the state, for the amount provided for, in the foregoing section: and from the date of the subscription by the governor, the state shall have a lien upon the property of each individual stockholder, to the amount of the stock owned by each: and upon the failure of any stockholder to pay any subsequent instalment after the first, said failure shall not operate as a forfeiture of the stock, unless the president and directors shall so agree; but payment shall be enforced by the president and directors, and no transfer or assignment of stock shall defeat the said lien: *Provided*, That said lien shall cease after the individual stockholders shall have been paid in one half of their stock.

Sec. 23. *Be it enacted*, That whenever the individual stockholders of any of the said companies in which the state has become a stockholder under this act, shall have paid five per cent in addition to the ten per cent heretofore provided to be paid, making fifteen per cent upon the amount of their stock, and the president and directors of such company shall notify the governor of that fact, he is hereby authorized and required to issue the bonds of the state, signed officially by him, and countersigned by the secretary of state, with the seal of the state, payable thirty years after execution, and bearing an interest of five per cent per annum, payable semi-annually at the office of the treasurer of Tennessee, or such other place as the president and directors negotiating the same may designate, for an amount equal to fifteen per cent, of the stock subscribed by the state in said company, and deliver said bonds to the president and directors of said company, in full payment of fifteen per cent of the state subscription. And upon the further payment of fifteen per cent upon the stock of individual stockholders in any of said companies, the governor shall issue the bonds of the state for fifteen per cent more of the stock of the state in the same manner, and under the same rules, regulations and restrictions as hereinbefore provided; and upon

the further payment of five per cent or more upon the stock of individual stockholders, the governor is authorized and required to issue the bonds of the state for the like proportion of stock due by the state, under the same rules, regulations and restrictions as before, and in like manner the amounts paid by individuals and the state at the several subsequent calls, shall be equal until the whole amount required to complete the work, is paid in, and from time to time he shall take the receipts of the president and directors for the several sums as paid.

So soon as the president and directors of the Louisville, Cincinnati and Charleston railroad company shall certify to the governor of the state, that the stockholders of said company have paid in five per cent on their stock, the governor of the state shall subscribe on behalf of the state, six hundred and fifty thousand dollars in stock in said company, and shall issue bonds of the state to said company for five per cent on the state stock so subscribed; subject, nevertheless, to the conditions hereinafter provided. And as soon as the president and directors of the Louisville, Cincinnati and Charleston railroad company, or a board of directors appointed by said company, to construct that part of the road lying within the limits of Tennessee, shall certify to the governor that a sum has been paid in for the construction of said road within the limits of Tennessee, by individual stockholders upon their stock, equal in amount to fifteen per cent upon the amount to be subscribed by the state, the governor shall execute the bonds of the state to said company for the amount of fifteen per cent of the six hundred and fifty thousand dollars of stock to be subscribed by the state, and whenever individual stockholders in said road shall have paid in a further sum upon their stock, equal in amount to fifteen per cent upon the stock subscribed by the state, the governor shall issue the bonds of the state for fifteen per cent of the remaining stock of the state; and upon the further payment by individual stockholders of an amount equal to five per cent or more, on stock subscribed by the state, the governor shall issue bonds for five per cent or more of the state stock; and so on in like proportion until the whole amount is issued, all of which is to be laid out within the limits of the state; and whenever the president and directors of the Hiwassee railroad company shall notify the governor in writing, of the amount of stock subscribed by individuals in said company, the governor shall subscribe for an equal amount of state stock, provided such amount does not exceed six hundred and fifty thousand dollars, subject to the same rules as to issuing the bonds of the state, as is pointed out by this act for the government of other railroads and macadamized turnpike companies; provided, that if the six hundred and fifty thousand dollars should not be subscribed by individuals for stock in said company, and a certificate of that fact made out to the governor on or

before the first day of October next, agreeably to the provisions of this act, so as to authorize the governor to subscribe for the full amount of the six hundred and fifty thousand dollars in said company, the governor shall subscribe for an equal amount of stock in said road, as is or shall be subscribed by individuals and certified as is directed by the twenty-first and twenty-second sections of this act, and the remainder of the six hundred and fifty thousand dollars shall be subscribed by the governor to any macadamized, sanded or graded turnpike road company in east Tennessee, that shall bring themselves within the provisions of this act; and the governor is hereby authorized from time to time to constitute and appoint proxies to vote for directors in said Louisville, Cincinnati and Charleston railroad company, and such proxies shall give all other votes he may be authorized to do by virtue of such appointment, agreeably to the provisions of said charter. *And provided further*, That if the Louisville, Cincinnati and Charleston railroad company, or the Hiwassee railroad company, or either of them, shall fail to obtain the subscription on the part of the state on or before the first day of January, 1839, then, and in that case, it shall be the duty of the governor to subscribe for stock in such turnpike roads in east Tennessee, as may bring themselves within the general provisions of this act.

Sec. 24. *Be it enacted*, That the state of Tennessee shall have a lien on the entire works of said companies, respectively, for the amount so paid in by the state, and all the profits, rents and tolls of said companies shall enure to the benefit of the state, until individual stockholders shall have paid in their entire stock in said companies, respectively: *Provided*, the right and lien on the part of the state to the entire profits, rents and tolls of the said several works shall not enure until twelve months after the execution of the bonds of the state, for the last instalment on her stock as aforesaid, and then only to the extent of that portion of the individual stockholders who have not paid up the entire amount of their stock, and to remain no longer than said defaulting stockholders shall fail to pay the same.

Sec. 25. *Be it enacted*, That the stock to be taken by the state in the several improvements, shall not exceed four millions of dollars, to wit: one million four hundred thousand dollars in east Tennessee; one million six hundred thousand dollars in middle Tennessee, and one million of dollars in the western district: *Provided*, That one hundred thousand dollars shall be raised upon the bonds of the state, and be expended as a portion of the fund allotted to east Tennessee, on the rivers in east Tennessee, as the general assembly may hereafter direct: *And provided also*, That one hundred thousand dollars of the fund allotted to the western district of Tennessee, be expended upon the rivers in that part of the state as the general assembly may hereafter direct: *And pro-*

vided, That one hundred thousand dollars of the fund allotted to middle Tennessee shall be appropriated to the rivers of middle Tennessee.

Sec. 26. *Be it enacted*, That the profit arising upon the stock owned by the state in the several works of internal improvement, shall constitute a fund to be applied to the redemption of the bonds of the state executed and to be executed for raising the bank capital herein provided for, and the internal improvement bonds of the state.

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 19, 1838.

(No. 9.)

Report of the select committee relative to a change in the location of the Wayne county poor house.

The committee to whom was referred the memorial and petition of the commissioners of the county of Wayne, relative to a change of location of their county poor-house, have had the subject under consideration, and now beg leave respectfully to report :

That the facts set forth in their memorial, are in themselves of sufficient force, in the opinion of your committee, to justify the legislature in granting the prayer of the petitioners. Among the facts stated in said memorial, are the following : That the present site of the poor house, contains but about twenty acres of land, which was purchased, and is now owned by the people of Wayne county, and that the buildings and improvements upon it, were made at their expense ; that the location, in their opinion is a bad one, for at least two prominent reasons, and

1st. That the land is low, wet and marshy, and as they believe, unhealthy.

2d. That its proximity to this city, being but about two miles distant, induces many worthless vagrants, under feigned illness or poverty, to resort to it as a place of refuge. That the quantity of land, were it good, is insufficient to give profitable employment to the multitude of paupers now assembled at that depot, who are able to perform some labor ; were they placed in a situation where their keepers could employ them advantageously, it would probably result in their own advantage and to that of the public. That the present expenses for the maintenance of the poor of the county of Wayne is enormous, and far beyond all precedent in the state of Michigan, it being about fourteen thousand dollars for the present year, and in all probability would increase under existing circumstances, were they to be continued at their present location any or much longer.

Your petitioners have also expressed an opinion, in which your committee fully coincide—that were a farm purchased at some central point in the county, of a good quality, and of sufficient dimensions to give employment to those among the paupers who were able to labor, that the expenses to the county would be greatly reduced, if not in a great measure done away with.

For the reasons and facts herein stated, your committee have reported a bill for the sale of the present poor-house, and for the construction or purchase of a better one, in a better place. All of which is respectfully submitted by the committee.

ANDREW MACK,
Chairman of Committee.

(No. 10.)

Reports of the minority and majority of the committee on elections, on the claim of Elisha Ely to a seat in the House of Representatives, as a member from the county of Allegan.

The committee on elections, to whom were referred a communication from Elisha Ely, Esq., claiming a seat in the House of Representatives from the county of Allegan, under the provisions of the constitution of the state, report :

It appeared in evidence before the committee, that the claim of Mr. Ely was founded upon the fact, that in the county of Allegan, at the recent election for representative, (under the law of last session apportioning representatives, which apportionment annexed the counties of Barry and Eaton to the county of Allegan, entitling the said counties, as a district, to one representative,) he, Mr. Ely, received a majority of the votes, whilst David B. Stout, Esq. the representative now occupying the seat from that district, received a majority of the votes in said district.

Having under consideration the law applicable to the question, and the opinions of the Attorney General and the Hon. Ross Wilkins, which are herewith transmitted, respecting as to the constitutionality of that law, together with the fact that the county of Allegan was organized subsequent to the signing but previous to the ratification of the constitution, your committee were divided in sentiment—the undersigned being of opinion, under their construction of the law and constitution, that Mr. Ely could not be admitted to a seat as a representative from the county of Allegan.

TRUE P. TUCKER, *Ch'n Com.*
STEPHEN MEAD,
J. H. PATTERSON.

A majority of the committee on elections, to whom was referred the credentials of Elisha Ely, of the county of Allegan, respectfully report :

That they have carefully and deliberately investigated the subject before them, and have come to this conclusion—that Allegan county was duly organized previous to the adoption of the constitution, and is therefore, by the provisions therein contained, entitled to a separate representative. The 4th section of 4th article of the constitution provides that each organized county shall be

entitled to at least one representative; but no county hereafter organized shall be entitled to a separate representative, unless its population shall equal the ratio of representation hereafter established by the legislature. We are then led to inquire whether the constitution takes effect and becomes binding from the time it received the sanction of the convention which formed it, or at the time it was ratified by the people. Your committee are of opinion, that the convention had no authority to ratify the constitution; the law authorizing the formation of the constitution and state government, gave no such authority to the convention. The law and the constitution expressly say, it shall be submitted to the people for their ratification. Thus we are to infer that the constitution had no binding effect until ratified by the people, and that the people could not confer authority nor jurisdiction on that instrument, which was in itself a dead letter until it received their approbation.

We are again led to inquire whether the acts of the legislative council, passed at its extra session in August, 1835, were legal and binding. It has been objected, that the council had no authority to sit more than sixty days in any one year. This authority was conferred by congress, and congress approving the acts passed by that body, would necessarily imply an assent; therefore, we are to conclude the county of Allegan was duly organized previous to the adoption of the constitution, and by such organization is entitled to a separate representative. Your committee, therefore, are of opinion that the act providing for the apportionment of the members of the House of Representatives of this state, and for the arrangement of senate districts, approved April 3d, 1838, so far as it relates to the formation of the district composed of the counties of Allegan, Barry and Eaton, was unconstitutional, and requires the immediate action of this legislature; but the unconstitutional annexation of the counties of Barry and Eaton to the organized county of Allegan, in the opinion of your committee, does not render the law unconstitutional any further than the rights of the respective counties are concerned. The ratio of representation would not have been changed, had the county of Allegan received her constitutional right, which she claimed, therefore no injustice has been done to any organized county, and in the opinion of your committee, the act in relation to the formation of other representative districts is constitutional and valid. The unconstitutional acts of the legislature cannot deprive the county of Allegan of her vested rights, granted by the constitution.

From the returns of the board of county canvassers of the county of Allegan, certified by the proper officers, it appears that Elisha Ely received a majority of the votes of the county of Al-

legan, which, in the opinion of your committee, does entitle him to a seat in this house.

Your committee would therefore recommend the adoption of the following preamble and resolution.

All of which is respectfully submitted.

ISAAC WIXOM,
F. SHURTS,
ALEX. TACKELS,
TIMOTHY F. SHELDON.

January 17th, 1839.

Whereas, by an act of the legislative council, approved August 25th, 1835, the county of Allegan was duly organized: And whereas, by the provisions of the constitution, which was approved and adopted on the 5th day of October, 1835, all organized counties were entitled to a separate representation: And whereas, Elisha Ely, of the county of Allegan, at the late election in said county, held on the 5th and 6th days of November last, did receive the greatest number of the votes in said county: Therefore.

Resolved, That the said Elisha Ely be and he is hereby entitled to a seat in this house, as the proper representative of the county of Allegan, with all the rights and privileges which belong to members of this house.

ATTORNEY GENERAL'S OFFICE,
Detroit, January 15, 1838. }

Hon. T. P. TUCKER, Esq. *Ch'n Com.*

Sir:—Your communication of the 12th inst. has been carefully and maturely considered as the time would permit, and I herewith transmit the conclusions to which I have arrived.

Your first inquiry is as follows: "When does the constitution take effect and become binding upon the people—at the time of its receiving the sanction of the convention, or at the time it was ratified by the people?"

By referring to the ninth section of the schedule appended to the constitution, it will be found, that after providing for a submission of the constitution to the people, the following language is used: "and if the same be ratified by the said electors, the same *shall become the constitution of the state of Michigan.*" Upon this provision, I am of opinion, there can be but one construction fairly placed, as the binding force of the constitution is clearly made to depend upon its ratification by the people. This being the fact, it could not become the organized law of the state until it had

been so determined by a majority of those who were to be affected by its provisions. Upon this point, then, the conclusion to which I arrive is, that the constitution took effect from the time it received the ratification of the people, and *not* from the time it was adopted by the convention.

A reply to the third inquiry it seems to me may be found in the answer above given; for, if the instrument adopted by the convention did not become the constitution of the state of Michigan until it had received the sanction of the people, I can conceive of *no ground* on which it could have *any relation back*; for it was adopted as a constitution for the government of the future, and not for the past, and in no way could the proposed system operate upon the community for which it was intended, until it had received their assent in the manner pointed out in the schedule.

Your second inquiry, "whether the acts of the legislative council at its extra session in August, 1835, after the signing of the constitution and before its ratification by the people, were legal and binding?" admits of a similar answer to the last, for the constitution abrogated nothing, nor did it affect any existing institution until it had received the assent and ratification of the people. And the legislative council being a legal portion of the then existing territorial institutions, all its acts within the proper limitation of its powers were of course legal and binding.

If this were not the fact, the period between the signing and ratification of the constitution, would have been a time without law, an era when the institutions of a state were in abeyance, waiting for the sanction of those who were to be affected by them. Such could not have been the intention of the framers of the constitution. Such, I am fully satisfied, is not its legitimate construction.

I have the honor to remain,

Your's respectfully,

P. MOREY, *Attorney General.*

At an election held according to law on the fifth and sixth days of November, Anno Domini 1838, in the county of Allegan, the following persons received the number of votes annexed to their names respectively, for the office of representative for the district composed of the counties of Allegan, Barry and Eaton.

Elisha Ely received one hundred and seventy-nine votes, (179.)

David B. Stout received one hundred and seventy-eight votes, (178.)

Mumford Eldred received one vote, (1.)

Andrew Y. Moore received one vote, (1.)

The whole number of votes given for the office of representative was three hundred and fifty-nine.

We certify the above to be a true statement of all the votes given for the office of representative for the district composed of the counties of Allegan, Barry and Eaton, in the county of Allegan.

SILAS F. LITTLEJOHN,
Chairman of the Board of County Canvassers.
 HENRY H. BOOTH,
Deputy County Clerk.

Allegan, November 13th, 1838.

STATE OF MICHIGAN, ALLEGAN COUNTY, CLERK'S OFFICE, }
December 31st, 1838. }

I hereby certify that the above is a true copy of the record in this office.

In witness whereof, I have hereunto set my hand and affixed [L. s.] the seal of the circuit court of this county.

ELIJAH G. BINGHAM, *County Clerk,*
 By HENRY H. BOOTH, *Deputy.*

STATE OF MICHIGAN, BARRY COUNTY, }
November 15, 1838. }

At a meeting of the board of canvassers of the election returns for the representative district composed of the counties of Allegan, Barry and Eaton, held at Hastings, being the place designated as the county seat of Barry, November 15, 1838, for the purpose of canvassing the votes given at the annual election held on the fifth and sixth days of November, Anno Domini 1838, for the office of representative for said district to the legislature of Michigan, the official returns from the county of Eaton not being received, the board adjourned until Tuesday, the 27th of November, 1838, at the same place.

On Tuesday the 27th instant, pursuant to adjournment, the board of canvassers of election returns for the above representative district, convened at Hastings, in the county of Barry, present J. P. Woodbury, deputy clerk for the county of Eaton, and Henry H. Booth, deputy clerk for the county of Allegan, the county of Barry not being organized as a county and having no officers legally members of the board of district canvassers. The members present organized and took the oath required by the statute, J. P. Woodbury officiating as chairman and Henry Booth as clerk. The board then proceeded to examine the returns of the votes for the office of representative from the different counties composing the said district, and found them complete. It appeared that the whole number of votes given in said district at the annual election held on the fifth and sixth days of November, Anno Domini 1838, for the office of representative, was seven hundred and fifty-five; of this number David B. Stout re-

ceived for the office of representative four hundred and eighteen votes ; Elisha Ely received for the same office three hundred and twenty-one votes ; Andrew Y. Moore received for the same office, nine votes ; and Mumford Eldred received for the same office, seven votes.

We, the board of district canvassers for the representative district composed of the counties of Allegan, Barry and Eaton, by the apportionment act of the last legislature, approved April 3, 1838, do certify the foregoing to be a true and correct statement of all the votes given for the office of representative in said district.

J. P. WOODBURY,
HENRY H. BOOTH,
Board of Canvassers.

Hastings, Barry County, Michigan, November 17, 1838.

We, the board of canvassers of the election returns for the representative district composed of the counties of Allegan, Barry and Eaton, convened pursuant to adjournment, on Tuesday the 27th November, 1838, at Hastings, the place designated as the county seat of Barry, having examined and canvassed all the votes given in said district at the annual election held on the fifth and sixth days of November, Anno Domini 1838, for the office of representative, have determined David B. Stout, of Allegan, duly elected to the office of representative for the said district to the legislature of the state of Michigan.

J. P. WOODBURY,
HENRY H. BOOTH,
Board of Canvassers.

State of Michigan, Barry county, Nov. 27, 1838.

Resolved by the Board, That the clerk of Allegan county be authorized to make the regular returns as required by the revised statutes, of the proceedings of this board of canvassers of election returns for the representative district composed of the counties of Allegan, Barry and Eaton, there being no clerk in the county of Barry.

J. P. WOODBURY,
HENRY H. BOOTH,
Board of Canvassers.

State of Michigan, Barry county, November 27, 1838.

I, Elijah G. Bingham, clerk of Allegan county, do hereby certify the foregoing to be a true copy of statement of the votes given in said district for the office of representative, and of the certificate of determination of the person elected to said office, and of the proceedings and resolution of the board of canvassers

of election returns for the district composed of Allegan, Barry and Eaton counties, for the election of a representative.

In testimony whereof I have hereunto set my hand and affixed [L. s.] the seal of the circuit court of said county, this 30th day of November, 1838.

ELIJAH G. BINGHAM, *Clerk,*
By HENRY H. BOOTH, *Dep. Clerk.*

(No. 11.)

Message from the Executive, transmitting a communication from John Mullett, relative to re-locations of certain lands.

EXECUTIVE DEPARTMENT, }
Detroit, Jan. 17, 1839. }

To the House of Representatives:

I transmit to the House of Representatives a report of John Mullett, commissioner, under a joint resolution of the legislature of 1838, relative to the re-location of state lands on the Grand river.

S. T. MASON.

—
Detroit, January 12, 1839.

To His Excellency, S. T. MASON, *Governor of Michigan.*

SIR: On my return from the woods in June last, I found at the post-office at Muskego, your letter, informing me of my appointment, in compliance with an act and resolution of the legislature of Michigan, approved March 28th, 1838, to examine certain lands therein mentioned, selected for the state, &c., together with a copy of the act and resolution referred to.

As soon as my vocations would permit, I carefully examined the act and resolution above mentioned, and have come to the conclusion, that an examination would result in nothing but disappointment to the settlers, and a useless expense to the state. I have, therefore, awaited the assembling of the legislature, that they could, if they wish to release the lands to the settlers, so amend the act and resolution as to admit the location of lands in lieu of those selected and settled upon, which might be at some future time of equal value. That, I think, would ensure the release of all the lands mentioned in the act and resolution, (if you except, perhaps, a few fractional sections immediately contiguous to the village of Grand Rapids,) and not materially diminish the fund for which they were intended; provided, they should be withheld from sale a reasonable time.

Very respectfully yours,

JOHN MULLETT.

(No. 12.)

Report of the committee on University and School lands.

The committee on university and school lands, to whom was referred a resolution instructing said committee to inquire into the expediency of reducing the price of seminary and school lands, have fully considered the subject referred to them, and beg leave to report :

That in the opinion of the committee, it would be impolitic and unjust to reduce the price of such lands at present, for the following, among other reasons :

1st. Many of the best of the seminary and school lands are yet unsold, whilst others of poorer quality have been already sold above the minimum price. In the old settled counties they sell with sufficient rapidity at the prices fixed, and in the new counties the lands are of a superior quality, and will sell as soon as the country gets a little more settled.

Secondly. It would be unnecessarily reducing the university and school fund, to reduce the prices of lands that will soon sell at the prices now put upon them.

Thirdly. It would be a cause of complaint for those who have already purchased such lands, to reduce the price of adjacent lands, and thus, as a matter of course, reduce the comparative value of those just disposed of.

And, lastly, the rapidly advancing improvements of the state will soon render these lands a good bargain at the fixed prices, and a little delay is thought to be better than to lose the benefit of selling at a price which they will soon command. We therefore believe it inexpedient to reduce the prices of the university and school lands at present.

J. GOODWIN, *Chairman.*

(No. 13.)

Report of the Superintendent of Public Instruction.

STATE OF MICHIGAN,
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
Marshall, December 31, 1838. }

To the Legislature to be convened at Detroit, on the first Monday of January, eighteen hundred and thirty-nine.

The Superintendent of Public Instruction, agreeable to the provisions of chapter one, title eleven, of the revised statutes, has the honor to submit the following report :

The supreme object in legislation, and in the administration of government, undoubtedly should be the promotion of the greatest good of the whole people. To elevate man in the scale of being, and improve his condition, is the sole purpose of every wise system of government, and every just code of laws.

To reach this high object, our own system was formed, and our code established. Under the healthful operation of such and similar systems and codes, such indeed as are based on the principle of equal rights and privileges, is full and perfect protection thrown around every individual of the state. Defended, in the peaceful enjoyment of the rewards of honest industry and toil, every individual is secured from invasion of his personal rights, with no sacrifice on his part, save only such as is essential to the very existence and continuance of his security and welfare.

The attainment of the greatest general good, being the end and aim of the institution of civil government, a severe responsibility is imposed upon all entrusted with the administration, legislation and execution of its laws ; and on the part of the people, unceasing watchfulness, lest by unfaithful agents, the "republic should suffer detriment." Hence it becomes a matter of vital importance that such a system of general instruction be established, as will best promote the ends of government. To do this effectually, the means of knowledge must be extended to every member of the community, and those great fundamental principles, which are the sole basis of all right, national, political, social and individual, be instilled into the public mind.

In a government like ours, where all power is retained in the hands of the people, the only safeguard of our liberty lies in the general diffusion of right knowledge. Ignorance is a fearful foe to freedom ; but knowledge, without virtue, is certain death to the republic. Such a system of instruction, then, as combines, intelligence and virtue, will alone ensure the continuance of univer-

sal happiness and peace ; and such a system, the republican form and character of our government imperiously demand. Virtuous intelligence alone will ensure correct feeling and principle in the mass, and a consequent selection of such officers to fulfil the duties of public trust, as will best promote and carry out the great purposes and plans of government. Without intelligence, how are the offices created for the high purpose of attaining the greatest good to be filled ? Without virtue, what security have we that the highest intelligence will not lead to infidelity, in the discharge of duty ? Without the diffusion of knowledge, sanctified by virtuous principle, where lies our security from corruption, convulsion, civil war and ruin ? What safeguard have we against anarchy, misrule and violence, unless it be in and by the diffusion of a correct, virtuous, intelligent public sentiment ? And on the other hand, what is to secure us from the formation of powerful aristocracies, even under our own wise system of government, but the general dissemination of knowledge, based on moral principle ? Let the history of the down-trodden nations of the earth answer. It is the constant and unvarying tendency of power, in passing from the many to the few, to amplify itself in their hands. Where ignorance is the inheritance of all, but the noble few, there is nothing that can successfully resist this tendency. When, indeed, the exercise of this concentrated and accumulating power becomes so oppressive as to madden a whole people, in their fury they may rise and put it down ; but not having sufficient intelligence and virtue to establish and maintain a wise and just system of government, power must soon pass from their hands to the few, when the process of accumulation is again commenced and steadily goes on as before. The people of France, driven to desperation, overthrew the government of Louis XVI, to pass under the imperial reign of Napoleon. Again they rose and put down the government of Charles X, to pass under the despotism and constantly increasing power of Louis Philippe.

We have secured ourselves against the despotism of a czar, and the oppression of an aristocracy of nobles ; but how are we to be secured, as individuals, from the tyranny of the many ? The majority of numbers is as capable of exercising despotic power, as an emperor or an oligarchy. A sense of justice in the monarch, may control the action of his government, and his subjects be secure while life remains. If the prince is wise and benevolent, the people may be contented, prosperous and happy ; but his successor may be a prodigy of wickedness, and his kingdom be filled with violence and blood. So long as the principles of humanity, a love of justice and equity, reign in the hearts of the majority, we, as individuals, are free and safe. But no longer.

It has of late been urged with great power and eloquence, and

with distinguished learning,* that our constitution and form of government furnish no security against the encroachments and oppressive acts of the majority. This, however, is no defect; for no form of government, and no constitution within the power of man to devise, can provide such security. Our safety is not in constitutions and forms of government, but in the establishment of a right system of general education; in the development and culture of those moral, as well as intellectual, powers implanted in the nature of man. So far as these powers are seen to exercise a controlling influence over the actions of men and nations, are they to be trusted.

Indeed our safety, as individuals, under God, must lie in those restraints, which virtue and intelligence, throw around the great heart of the majority of numbers. The desire to do right must be planted in the deep bosom of the people, and no means of promoting the perception of right neglected. The faculties, the susceptibilities, the emotions, the feelings, which make up the great sum of mind, must be cultivated and improved by right instruction. Generally diffused education, combining the great powers of intelligence and a pure virtue, is the only safeguard of our public and our private rights; and upon the progress of this alone, depends the future permanence and character of all our republican institutions.

The object of education is to raise up, not to pull down; to improve the condition of man, to advance the interests of the whole people, while increasing the individual happiness and prosperity of every member in the commonwealth. If education results in the perfection of government, it also leads to the like perfection in science, in the arts, and in every species of improvement. It is education that unfolds the hidden mysteries of creation, and introduces man to the secret springs, by which he is destined to arrive at the highest degree of physical, intellectual and moral attainment. The improvements she is yet to make, and which she alone can make, in machinery, in mechanic arts, and in the implements of husbandry, will secure to every man, with four hour's labor, a competence for himself and his family. The great balance of time, expended as it should be, in moral and mental culture, would introduce us at once to the golden age of man. A less amount of labor than this can never be desired. Such an amount is essential to the beauty and perfection of his physical nature—to the development, the healthy and vigorous action of his bodily constitution and powers.

The people of the older states, sensible of the urgent necessity of education, are awaking to redoubled efforts in its behalf. Wise men in those states, confident that this is the only way to preserve a preponderating influence in the general government of our com-

*Democracy in America—by M. De Tocqueville.

mon country, have been, and are promoting every means to advance the cause of general education, with the avowed purpose of raising up men of distinguished attainments and ability, to guide and direct in their councils. This was the purpose of Jefferson, when he founded the university of Virginia. He perceived that power was gradually passing the mountains, and that, at no distant period, it was destined to take up its abode in the great valley of the Mississippi; and instead of bewailing its departure, set himself to devise ways and means to retain and exercise all the influence that high attainments in literature, science and the arts can give to any people. Governor Everett, in his late address at the commencement of Williams college, urges education upon the people of Massachusetts for the same reason. "I am strongly convinced," says he, "that it behooves our ancient commonwealth to look anxiously to this subject, if she wishes to maintain her honorable standing in the union of the states."

Would Michigan attain a high rank and an honorable distinction in this matchless confederacy of states,—would she keep pace with the rapid march of improvement and of mind,—would she exert her just share of influence in the grand councils of the nation—let her stretch every nerve, and ply every means to move forward the glorious work. Let perseverance be written upon the walls of her capitol, and let this be the watchword of her people, till every child in the state shall become thoroughly educated, and fitted to fulfil his duty faithfully, to his country and his God. The object is high, the inducements great, and the rewards above all price.

The progress of our school system has been as rapid as could rationally have been anticipated. Scarcely two years and a half have elapsed since the first movement was made. During this period, the system has been devised, matured and adopted, and is now generally in successful operation. The success of the system will be evident, from an inspection of the three successive reports of the superintendent of public instruction. In the fall of eighteen hundred and thirty-six, thirty-nine townships reported fifty-five districts, having two thousand three hundred and thirty-seven, between the ages of five and sixteen. In the fall of eighteen hundred and thirty-seven, one hundred and nine townships reported three hundred and eighty-two districts, having fifteen thousand four hundred and forty-one, between the ages of five and seventeen. During the past fall, being that of eighteen hundred and thirty-eight, two hundred and forty-five townships have reported fifteen hundred and nine districts, with rising thirty-four thousand, between those ages. An increasing interest in primary school education is manifesting itself, in all parts of the state. This is shown in the general desire to obtain correct information in regard to all proceedings under the law, and the rapid multipli-

cation of school-houses. It is indicated, also, in the liberal provisions, made during the past year, for the support of schools. For the erection of houses and support of schools, the districts have voluntarily raised, the past year, the sum of \$91,717.

The importance of *statistical knowledge* is becoming, every year, more and more apparent. It is only by such information as statistics furnish, that the wants of a community can be ascertained, and its progress in improvement determined. The reform in the discipline of prisons, and in the penitentiary system of the United States generally, had its origin in such knowledge. Without the facts which statistics embody, the legislator must grope his way in the darkness of ignorance. Destitute of these facts, and the light which they furnish, if evils exist, he cannot apply the proper remedy. The legislator may, in conformity to the popular sentiment, determine that every child in the state shall be educated, and provide the means for such education; but how can he know that his will is obeyed, and the means properly applied, without that full and perfect knowledge of the subject, which the statistics of education alone can furnish.

Our school law provides for a yearly enumeration of all the children and youth of the state, between certain ages; and for a full report from all the schools, organized under this law. In justice to all concerned, ought not provision to be made for a full report from all private schools? As the law now stands, an imputation may be thrown upon some townships that least deserve it. For instance, the township of A, according to the enumeration, has five hundred between the ages of five and seventeen, but reports only four hundred as in school; while the township of B, according to the enumeration, has four hundred between those ages, but reports as actually in school, four hundred and fifty. A wrong inference may be drawn from these facts, as reported, and an unjust imputation thrown upon the township of A; this township having, what does not appear from the reports, one hundred and sixty in private schools. It is therefore respectfully proposed, that the law be so amended as to require of all private schools a report, setting forth the number between the ages of five and seventeen; and also the number in attendance under five and over seventeen. These, with the reports now required, would give the whole number at school, throughout the state.

In regard to the collection of taxes of school districts, there is undoubtedly a defect in the law. The fourth provision of section sixteen, chapter three, title eleven, authorizes the assessor "to collect all taxes assessed upon the property of his district; * * * and in the collection of taxes upon lands and tenements, said assessor shall make returns to the treasurer of the county in the same manner as township collectors; and it shall be the duty of the treasurer to sell the lands and tenements for the collection of

said school tax, in the same manner as is required for the collection of township and county taxes." On referring to the law for the collection of township and county taxes, it appears that the treasurer has no authority, in any case, to sell lands and tenements for the collection of such taxes. It is made his duty to send to the Auditor General, an account of all lands and tenements returned to the office of the said county treasurer; and the Auditor General is empowered to sell the same. It is proposed that the law be so amended, as to authorize the treasurers of the counties, either to sell such lands and tenements as are "returned to them," or to forward the same to the Auditor General for sale.

It is also thought the law in another respect, needs to be amended. Individuals are now liable to lose their lands, held by certificate of sale, on account of the failure of those with whom they may be associated in the purchase. A and B purchase university or school lands, make the first payment and commence improvements. It may be an original purchase, or a purchase by assignment, and the whole included in one certificate. It may be a joint ownership or otherwise. When the instalment and interest fall due, A is ready to pay, but B has failed. As the law now stands, A must forfeit as well as B, though he is ready and willing to pay, not only his proportion, but to fulfil the contract, if the whole title could be transferred to him; but the Superintendent is not authorized to make the transfer. It certainly does not seem reasonable and just to oblige A to forfeit on account of the failure of B.

In case of actual forfeiture, it is submitted to the consideration of the legislature, whether it would not be advisable, to empower the Superintendent to transfer the title to such person or persons as may be disposed to fulfil the contract; and hold such lands, as may still remain on hand, subject to sale at the original bids. This will bring them into market, without the expense and trouble of another public sale. Besides, it would entirely do away with all the inducements which now exist in certain cases, to forfeit and protect the department from all liability of being defrauded.

Owing to the embarrassment of the country the past year, many purchasers have failed to pay who still wish to retain their lands. Among these, there are cases which require consideration; and perhaps the interposition of the legislature. They are purchasers who have made improvements and are able to make payment of the interest only. But the Superintendent is not authorized to receive and endorse the interest, without the instalment. In cases like these, purchasers have left money in deposit for the payment of interest, on condition the legislature should authorize it to be received and endorsed, or to be returned, should

their lands be declared forfeited. It is true, indeed, that some of these lands are already forfeited in law, but it was deemed within the discretion of this department, whether to declare them forfeited immediately on the first failure.

It is also submitted, as worthy of consideration, whether, after twenty per centum of the principal is paid, it would not be policy to require only the interest, so long as it shall be promptly paid. Though there may be fluctuations in the value of real estate, yet in a country where improvements are being rapidly made, it is not to be apprehended that these lands can so depreciate in value as to render the investment unsafe. In the ordinary course of events, men will not clear and fence their lands, break up and cultivate the same, build houses, dig wells, and make other improvements, and then abandon them; and especially after having paid one-fifth of the purchase money. Nothing but a general overflowing desolation will ever induce them to do it.

A plan of the University buildings has been adopted, and preparation is now making for the erection of a part of them. Branches have been organized and are now in actual operation at Detroit, Pontiac, Monroe, Niles and Kalamazoo; others also, have been located. In this connection, the Superintendent would urge anew, the importance of making more ample provision for sustaining the branches, independently of the university fund. Without the aid of these, the University itself cannot be expected to prosper; and equally important are they, to the success of the primary schools, being, as they are, the sole means of obtaining a full supply of competent teachers. If the salt spring lands should be devoted to the support of the branches, one might in due time be established in each county: and this seems desirable to perfect the system.

The agricultural department yet to be established in one of the branches, is deemed an object of great interest and importance to the state. No education can be regarded as complete without a knowledge of agriculture. Agricultural pursuits and a clear understanding of the principles on which the art of husbandry is based, have an acknowledged tendency to quiet all those various and undue excitements, occasioned by the political action and contests of the day. Most peculiarly adapted also, is agriculture, to give to a people, that individuality of character, which is essential to sustain republican institutions.

It is deemed unnecessary to advert again to the immense value and importance of common school libraries. The question of their utility has been settled by the decision of experience in other states, where liberal appropriations for the purpose have been granted. To accomplish the greatest degree of good, in our state, district libraries must be established; not only that the useful information contained in well selected books, may be generally

conveyed, but that teachers may have the benefit of acquiring the most extended and important theoretical information. Means for educating young men to become teachers in our primary schools, have been devised ; but by the acquirement of all that these means afford, they have only reached the threshold of the temple of knowledge, and are not fitted to work out the highest degree of good without the study of books, and the consequent information and instruction they afford. Too much value indeed can hardly be attached to the establishment of school libraries ; and it is believed when once rightly established, they will be the means of effecting an equal amount of good, with the schools themselves.

The following is an exhibit of the condition of the university and school fund,

University Fund.

Of the university lands, 527 72-100 acres have been sold the past year, at an average price of \$20 29 per acre, amounting to \$10,704 40.

Received from purchasers on account of the ten per cent,	\$1,070 44
Received from purchasers on account of lands sold in eighteen hundred and thirty-seven, being instalment,	7,698 02
Received for use of improved lands,	150 00
Amount of principal received,	\$8,918 46
Received from purchasers on account of interest,	7,738 42
Received on account of interest of moneys loaned,	1,433 00
Amount of interest received,	\$9,171 42
Total amount of principal and interest received,	\$18,099 88
Estimated amount due from purchasers on account of lands sold in eighteen hundred and thirty-seven, being instalment,	\$7,300 00
Due on notes for use of improved lands,	1,910 00
Due from purchasers on account of interest,	5,228 00

School Fund.

Of the school lands, 8,502 acres, including 560 acres bid off the preceding year, have been sold at an average price of \$8 11½ per acre, amounting to \$69,016 00

Received from purchasers on account of the ten per cent,	6,901 60
Received from purchasers of lands sold in eighteen hundred and thirty-seven, being instalment,	21,687 59
Received for use of school lands,	175 00
On hand as per last report,	864 00
Amount of principal received,	\$29,628 19
Received from purchasers on account of interest,	18,776 28
Received on account of interest, on moneys loaned,	2,684 71
Amount of interest received,	\$21,460 99
Total amount of principal and interest received,	\$51,089 68
Add university principal and interest,	18,089 88
Total,	\$69,179 06

Estimated amount, due from purchasers, on account of lands sold in eighteen hundred and thirty-seven, being instalment, \$18,544 88

Due on notes for use of improved lands, 359 75

Due from purchasers on account of int., 13,460 45

Payments have been made and loans effected, as follows:

To Jackson county, on bond of supervisors,	\$4,000 00
Kent, do do	5,000 00
Berrien do do	7,000 00
Lenawee do do	7,000 00
Washtenaw do do	8,000 00
Genesee do do	5,000 00
Saginaw, do do	10,000 00
On bond and mortgage,	600 00
Treasurer of university, on account of interest,	9,171 42
County treasurers, do do	21,817 60

And apportioned, as follows:

To Allegan county,	\$139 52
Branch do	508 80
Calhoun do	1,111 04
Cass do	608 00
Eaton do	110 08
Hillsdale do	623 38
Ionia do	122 24
Ingham do	107 52
Jackson do	1,233 92
Kalamazoo do	845 44
Lenawee do	1,712 00
Livingston do	684 80

Lapeer county,	195 84
Macomb do	1,185 28
Monroe do	1,340 80
Oakland do	2,768 00
Ottawa do	29 44
St. Joseph do	519 04
Shiawassee do	86 40
St. Clair do	465 28
Van Buren do	159 36
Washtenaw county,	3,006 72
Wayne do	3,441 92
Saginaw do	80 64
Berrien do	382 08
Genesee do	350 08
To Penn township, as provided by an act of the legislature,	\$526 00
Expenses of sale, clerk hire, printing, maps, advertising, postage, blank certificates, surveys, &c. as per bills,	1,623 00
Refunded where lands sold subject to survey fell short of estimate,	118 24
Accounted in last report for lands which were not taken and paid for,	468 50
Uncurrent funds received,	450 00
	<hr/>
	\$80,774 76

Though this sum exceeds the receipts, no doubt is entertained that sufficient payments will soon be made to meet the balance. Since indeed the above account was drawn up, a considerable portion of this balance has been paid, and the remainder undoubtedly will be in a short time. It is proper to add that no part of this balance is due the State Treasurer, arrangements having been made by which the whole amount has been placed at his disposal.

The books of the office not having been fully written up and posted, the exact amount in the estimates of what is now due from purchasers of university and school lands, is not given, though they will not vary much from the amount actually due. In a short time, however, the exact balances can all be exhibited. By the operation of the extension law, payments were brought so near the close of the year, that more could not be done, without considerable additional help and expense.

Of the uncurrent money, it is proper to state that three hundred dollars of it, though not now available, will probably soon be redeemed; of the balance, twenty dollars are in counterfeit bills and the remainder in notes of fraudulent banks.

Document number one, is an account of lands sold, and prices

per acre ; number two, contains the returns of school inspectors ; and number three, is the report of the regents of the university, which is herewith transmitted.

The duties of the regents being at present arduous, it is deemed to be due in justice to the gentlemen who compose that board, that their expenses during the time of the erection of the university buildings, should be paid.

All which is respectfully submitted,

JOHN D. PIERCE,
Superintendent of Public Instruction.

(No. 1.)

School Lands sold in 1838.

	Section.	Township.	Range.	Acres 100ths.	Amount per acre.	Total amount.
<i>October 6.</i>						
W 1-2 s e 1-4	16	1 S	11 W	80 00	\$8 00	\$640 00
n e 1-4 of n w 1-4				40 00	8 00	320 00
n w 1-4 of n w 1-4				40 00	8 00	320 00
n 1-2 n w 1-4				80 00	8 00	640 00
s e 1-4 of s w 1-4				40 00	8 00	320 00
s w 1-4 of s w 1-4				40 00	8 00	320 00
n w 1-4 of n e 1-4				40 00	8 00	320 00
n 1-2 n e 1-4				80 00	8 00	640 00
e 1-2 s e 1-4		3	11	80 00	8 00	640 00
<i>October 17.</i>						
S e 1-4	16	5 S	9 W	160 00	8 00	1280 00
<i>October 19.</i>						
S e 1-4 of n e 1-4	16	6 S	7 W	40 00	8 00	320 00
w 1-2 n w 1-4		7	7	80 00	8 00	640 00
s w 1-4 of s w 1-4		5	8	40 00	8 00	320 00
<i>October 23.</i>						
W 1-2 s e 1-4	16	6 S	3 W	80 00	8 00	640 00
s w 1-4		5	3	160 00	8 00	1280 00
e 1-2 s e 1-4		6	1	80 00	8 00	640 00
<i>October 24.</i>						
E 1-2 n w 1-4	16	5 S	3 E	80 00	8 00	640 00
w 1-2 s e 1-4				80 00	8 00	640 00
e 1-2 s e 1-4				80 00	8 00	640 00
w 1-2 n e 1-4				80 00	8 00	640 00
n e 1-4		7	3	160 00	11 50	1840 00
w 1-2 s e 1-4				80 00	8 00	640 00
e 1-2 s w 1-4		7	4	80 00	8 00	640 00
n e 1-4		6	3	160 00	8 00	1280 00
e 1-2 s w 1-4				80 00	9 00	720 00
e 1-2 n w 1-4		8	2	80 00	8 00	640 00
w 1-2 s w 1-4 & s 1-2 n w 1-4		7	4	160 00	8 00	1280 00
<i>October 26.</i>						
W 1-2 s w 1-4	16	8	8	80 00	8 00	640 00
e 1-2 s e 1-4				80 00	8 00	640 00
<i>October 30.</i>						
N e 1-4	16	3	8	160 00	8 00	1280 00
e 1-2 n w 1-4				80 00	8 00	640 00
w 1-2 n w 1-4		1	9	80 00	8 00	640 00
n e 1-4 of s w 1-4		3	8	40 00	8 00	320 00
1-2 s e 1-4				80 00	8 00	640 00
<i>November 1.</i>						
E 1-2 s w 1-4 & s w 1-4 of s e 1-4	16	3 N	12	120 00	8 00	960 00
<i>November 5.</i>						
E 1-2 n e 1-4	16	2	10	80 00	8 00	640 00
w 1-2 of e 1-2 n e 1-4		2	7	40 00	8 00	320 00
n e 1-4 of n w 1-4		1	8	40 00	8 00	320 00
w 1-2 s w 1-4				80 00	8 00	640 00
w 1-2 s e 1-4		1	7	80 00	8 00	640 00

	Section.	Township.	Range.	Acres 100hs.	Amount per acre.	Total amount.
sw 1-4		3 N	11 E	160 00	8 00	1280 00
e 1-2 sw		1	7	80 00	8 00	640 00
nw 1-4		3	10	160 00	8 00	1280 00
w 1-3 ne 1-4		2	10	80 00	8 00	640 00
se 1-4 of nw 1-4		1	8	40 00	8 00	320 00
w 1-2 sw 1-4		1	7	80 00	8 00	640 00
e 1-2 se 1-4		1	11	80 00	8 00	640 00
e 1-3 of e 1-2 ne 1-4		2	7	40 00	8 00	320 00
<i>November 2.</i>						
E 1-2 ne 1-4	16	1 S	7 E	80 00	8 00	640 00
e 1-2 se 1-4		3	6	80 00	9 00	720 00
e 1-2 se 1-4		3	5	80 00	8 00	640 00
nw 1-4	5	3	7	142 00	8 00	1136 00
e 1-2 sw 1-4	16	4	2	80 00	8 00	640 00
w 1-2 nw 1-4		4	4	80 00	8 00	640 00
e 1-2 nw 1-4				80 00	8 00	640 00
e 1-2 ne 1-4				80 00	8 00	640 00
e 1-2 sw 1-4				80 00	8 00	640 00
e 1-2 se 1-4		4	5	80 00	8 00	640 00
e 1-2 sw 1-4				80 00	8 00	640 00
w 1-2 nw 1-4 & w 1-2 sw 1-4		2	5	160 00	8 00	1280 00
se 1-4 of sw 1-4		3	6	40 00	8 00	320 00
sw 1-4		5	3	160 00	8 00	1280 00
w 1-2 sw 1-4		4	4	80 00	8 00	640 00
sw 1-4 of se 1-4		2	7	40 00	8 00	320 00
sw 1-4 of ne 1-4		2	4	40 00	8 00	320 00
<i>November 10.</i>						
E 1-2 nw 1-4	16	4	3	80 00	8 00	640 00
w 1-2 ne 1-4				80 00	8 00	640 00
e 1-2 sw 1-4				80 00	8 00	640 00
ne 1-4		3	3 W	160 00	8 00	1280 00
w 1-2 se 1-4 & e 1-2 sw 1-4		3	1	160 00	8 00	1280 00
se 1-4		3	2	160 00	8 00	1280 00
<i>October 8.</i>						
Se 1-4 of sw 1-4	16	1 S	11 W	40 00	8 00	320 00
e 1-2 se 1-4				40 00	8 00	320 00
se 1-3 of ne 1-4				40 00	8 00	320 00
nw 1-4 of sw 1-4				40 00	8 00	320 00
<i>November 12.</i>						
W 1-2 se 1-4	16	1	7	80 00	8 00	640 00
sw 1-4 of sw 1-4		7	11	40 00	8 00	320 00
<i>November 23.</i>						
W 1-2 nw 1-4	16	4	2 E	80 00	8 00	640 00
<i>November 30.</i>						
Ne 1-4 of ne 1-4	16	2	4	40 00	8 00	320 00
w 1-2 ne 1-3		6	2 W	80 00	8 00	640 00
<i>December 5.</i>						
Se 1-4 of sw 1-4	16	1 S	7	40 00	8 00	320 00
sw 1-4 of sw 1-4		2	7 E	40 00	8 00	320 00
se 1-4 of sw 1-4				40 00	8 00	320 00
<i>December 6.</i>						
Nw 1-4 of ne 1-4	16	3 S	2 W	40 00	8 00	320 00

	Section.	Township.	Range.	Acres 100ths.	Amount per acre.	Total amount.
<i>November 8.</i>						
Sw 1-4	16	2 S	3 E	160 00	8 00	1280 00
w 1-2 s e 1-4				80 00	8 00	640 00
e 1-3 n w 1-4 & w 1-2 n e 1-4				160 00	8 00	1280 00
e 1-2 n e 1-4				80 00	8 00	640 00
<i>December 11.</i>						
W 1-2 n w 1-4	16	2 S	3 S	80 00	8 00	640 00
s e 1-4 of s e 1-4		4	3 W	40 00	8 00	320 00
n w 1-4 of n e 1-4		2	7 E	40 00	8 00	320 00
<i>December 26.</i>						
E 1-3 n e 1-4 & e s 1-4	16	7 S	2 E	160 00	8 00	1280 00
n w 1-4 of n e 1-4 & n e 1-4 of n w 1-4				40 00	8 00	640 00
<i>December 27.</i>						
W 1-3 n e 1-4	16	2 S	4 W	80 00	8 00	640 00
<i>December 28.</i>						
E 1-2 s e 1-4	16	5 S	2 W	80 00	8 00	640 00
School lands bid off last year and not taken until after last report.						
e 1-3 n e 1-4	16	3 S	1 W	80 00	8 00	640 00
w 1-2 n w 1-4		3	1	80 00	8 00	640 00
e 1-3 s w 1-4		1 N	8 E	80 00	8 00	640 00
e 1-2 s w 1-4		1	9	80 00	8 00	640 00
w 1-2 n w 1-4		5 S	14 W	80 00	8 00	640 00
s e 1-4		1	8 E	160 00	9 75	1560 00
				560 00		4760 00
				7942 00		64256 00
UNIVERSITY LANDS SOLD.						
s w 1-4 of s w f 1-4	7	2 S	7 W	41 72	20 00	834 40
n w 1-4	34		17	160 00	20 00	3200 00
n e 1-4		7		160 00	20 00	3200 00
n w frac of s e f 1-4	25			43 50	20 00	870 00
s p t of s e f 1-4	33	5	9	100 00	20 00	2000 00
e 1-2 n e 1-4 of n e 1-4	21	2	10	20 00	20 00	400 00
block 4 of n w 1-4	7		7	2 50		200 00
				527 72		10744 40

(No. 2.)

Reports of School Inspectors.

<i>Counties and Townships.</i>	Whole number of districts in said township.	No. from which reports have been made.	No. of district.	No. of scholars between the ages of 5 & 17 in each.	Number attending school under five and over 17.	Whole number attending school in each district.	Length of time a school has been kept by a qualified teacher in each.	Am't of money received from school inspectors by each.	Amount received for use of district library.	Amount received in each district.
<i>Alleghen County.</i>										
Alleghen,	3	1		96	4	50	10 mo		\$10	\$335
Plainfield,	7	4	1	23	4	32	3 mo			50
		1	2	10	3	12	2½ mo			25
		4	4	19	4	38	6 mo			75
		6	6	15	14		3 mo			275
Omego,	4	2	1	35	10	45	3 mo			77
			2	20	12	36	3 mo			90
Mankon, Newark,										
<i>Branch County.</i>										
Coldwater,	8	3	1	59		65	6 mo			
			3	30		23				
			6	94	7	101	7½ mo	10		150
Sherwood,	4	3	1	30	3	33	1½ mo			235
			2	27	5	25	8 mo			56
			3	16						
Quincy,	8	4	1	29	4	26	3 mo			143
			2	30	2	32	3 mo			
			3	39	25	64	3 mo			
			5	16						
Ovid,	4	1	1	27	10	37	6 mo			70
Union,	7	4	2	22	4	33	4 mo			
			3	20	6	20	1½ mo			
			5	16						
			6	13	1	11	3 mo			300
Brunson,			3	70	10	75	7½ mo			80
Gilead,	2	2	1	38						
			2	33		34	6 mo			
Girard,	6	4	1	43	5	48	5 mo			202
			2	38		38	4 mo			90
			3	19	5	22	3 mo			18
			5	11		18	3½ mo			
Butler,	1	1	3	27						500
Mat'ison, Batavia, Elizabeth, Algonsee,	4	1	3	39	10		7 mo			90
<i>Berry County.</i>										
Hastings,										
<i>Clinton County.</i>										
Watertown,										
<i>Berrien County.</i>							no rep			
<i>Calhoun County.</i>										
Marshall,	8	6	1	122						500
			2	90	68	75	12 mo			305
			3	16	1	12	3 mo			180
			4	35		35	6 mo			135

<i>Counties and Townships.</i>	Whole number of districts in said township.	No. from which reports have been made.	No. of district.	No. of scholars between the ages of 5 & 17 in each.	Number attending school under 5 and over 17.	Whole number attending school in each district.	Length of time a school has been kept by a qualified teacher in each.	Am't. of money received from school inspectors by each.	Amount received for use of district library.	Amount received in each district.
Athens,	4	2	6 7 1	3 27 43	12	48 45	5½ mo 3½ mo			\$90 900
Marengo,	11	5	2 1 2 3 3 4 5	34 51 35 22 22	13	15	8 mo			300
Milton,	4	2	2 3	50 58	5	54 80	5½ mo 10 mo			84 370
Tekamah,	6	5	1 2 3 4 6	27 27 13 24 20	15 1	45 32	4½ mo			90 57
Newton,	5	3	1 2 3 1 8	20 11 11 17 12		20 12 6	4 mo			75 201 100 100 49
Fredonia,			2 3	6	6	23	4 mo			209
Pennfield, Eckford,	frac 5	5	1 2 3 4 5	24 26 34 25		24 35 22 25	6 mo 3 mo 3 mo 4 mo			35 43
Convia, Homer,	frac 5 7 frac frac	1 7	1 & 2 5 1 2 3 4 5 6 7	20 21 79 2 9 8 18 16 17	2 10 3	17 60 5 9 10	3 mo 7 mo 9 mo 8 mo 3 mo			43
Cady,	4	3	1 2 3 5	35 41 17	20 31	46 72	8 mo 9 mo			80 149 250 183
Clarendon,	frac 4	2	22	69	10 13	28 96	3 mo 10½ mo			5
Burlington,	6	3	19 58 28	19 58 19	10	66 7	3 mo 7 mo	\$9	\$10	65
Sheridan,	6	4	1 2 3 1	37 59 31 10	6 6 13	19 48 6 13	2½ mo 6 mo 3 mo		10	34 9 75
Leroy, Albion,	frac 9 8	1 5 fr frac	1 2 3 4 7	25 74 13 17 28	7 12 8 30 4	25 72 43 52 35 31	3 mo 9 mo 9 mo 3 mo 4 mo 3 mo			12 49 199 384 60 370 28
Oneida County. Oswego,	5	3	2 3 5	40 81 29	6 14	43 61 43	9 mo			105 50

<i>Countries and Townships.</i>	Whole number of districts in said township.	No. from which reports have been made.	No. of district.	No. of scholars between the ages of 5 & 17 in each.	Number attending school under five and over 17.	Whole number attending school in each district.	Length of time a school has been kept by a qualified teacher in each.	Am't of money received from school inspectors by each.	Amount received for use of district library.	Amount received in each district.
Lagrange,	6	4	1 3 4 5	67 48 38 34	5 5 5 4	54 46 33 17	6 mo 4 mo 3 mo 3 mo			\$90 150 28 15
Pokagon,	7	4	4 5 6 7	33 38 32 32	2	28	3 mo		\$5 5	100 113
Volinia,	3	2	1 2	42 42	2 2	36 44	6 mo 3 mo			
Porter,	7	2	1 3	65 47	6	61	7 mo			
Mason,	3	3	1 2	39 43	5 7	29 48	3 mo 3 mo		10	50 150
Howard,	frac		1	22		32	6 mo			50
Jefferson,	7	1		42		30	3 mo			63
	4	2	1	58	6	49				24
Wayne,			4	54						
Penn,	9	1	6	24						
Silver Creek,										
Newburgh,										
Milton,										
<i>Eaton County.</i>							report			
Bellevue,	3	2	1 2	94 18	4	79	8 mo			620
Vermontville,	3	1	1	34		24	3 mo			72
Eaton,	6	1	1	26	5	15	3 mo			120
<i>Genesee County.</i>							no rep			
Flint,										
Grand Blanc,										
Mundy,										
Vienna,										
<i>Hillsdale County.</i>										
Adams,	8	3	3 6	18 28	6 4	36 31	4 mo 3 mo			200
	frac		1	7	17	37	5 mo		10	90
Wheatland,			1 2 4 6	27 23 30 29	10 10 6 4	30 29 44 25	3 mo 4 mo 2 mo 4 mo			92 62 130 100
Scipio,	3	3	1 2 3	36 25 41	5 12	41 25 54	6 mo 4 mo 8 mo			60 30 187
Litchfield,	8	5	2 4 6 7 8	32 40 17 15 16	10 7 2	33 42 15	6 mo 8 mo 3 mo			50 269 88 160
Moscow,	5	4	1 2 4	37 62 21	17 9	54 47	7 mo 4 mo			65 90
	frac		8	12	4	16	5 mo	\$10		90
Pittsford,	8	3	1 2	43 16	4 2	16 17	3 mo 3 mo 6 mo			97 135 33

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Allen,	4	3	1	54	30	32	3 mo			\$40
			3	6		6	3 mo			80
			6	78		28	6½ mo			90
Somerset,	11	3	1	29	16	45	3 mo			194
			5	22	7	27	3 mo			60
			8	12	4	16	3 mo			97
Fayette,	6	2	1	111		72	4½ mo			84
			6	42		36	3 mo			375
Florida, Reading,										
<i>Ionia County.</i>										
Ionia,	2	1	1	97	11	108	7 mo			207
Cass,	1	1	1	16	1	10	5½ mo			250
Otisco,	1	1	1	9						20
Maple,	6	3	1	34	12	42	7 mo			565
			2	10	1	6	3 mo			173
			5	10	2	16	3 mo			18
Boston,				15	2	13	3 mo			25
<i>Ingham County.</i>										
Vevay,	3	1	1	14	4	15	3 mo			370
Onondaga,	2	2	1	23	3	26	3 mo			80
			2	14	4					
Alaiedon, Ingham,	1	1	1	14	6	18	6½ mo			137
	7		2	16						
			5	8						
	frac		8	9			1 mo			
Leslie,	2	2	1	28	1	20	5 mo			440
Stockbridge,	3	3	1	14	12	26	3 mo			150
			2	17	4	21	6 mo			175
			3	11	3	14	3 mo			123
<i>Jackson County.</i>										
Rives,	6	4	1	21		17	3 mo			
			2	27					\$10	90
			4	43		32	6 mo			50
			5	22		14	7 mo			95
Sandstone,	4	3	2	37	4	17	7½ mo			439
			3	30	5	19	3 mo			590
			5	19						119
Farmer,	7	3	1	17	1	18	8 mo			250
			2	40	8	61	10 mo			100
			3	12						
East Portage,	7	3	5	19	4	29	3 mo			95
			6	19	4	21	3 mo			
			7	35	13	48	3 mo			142
Leoni,	7	6	5	33	5	35	6 mo			50
			4	29	3	39	3 mo			150
			12	37	3	20	2 mo			350
			1	70	10	74	8 mo			100
			3	34	6	41	6 mo			280
	frac		16	19						300
Jackson,	17	6	1	123	20	80	6 mo			290
			5	30	2	32	3 mo			
			12	29		42	7 mo			120
			13	48	10	58				185
			14	25	2	34	6 mo			
			16	2						
Grass Lake,	9	5	3	29	6	31	8 mo			232

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			4	32		26	6 mo			
			5	28						
			8	27	28	55	11 mo			\$80
Springport,	3	2	1	8			1½ mo			280
			2	13	10	26	7 mo			110
Tompkins,	2	1	1	17	7	20	3½ mo			125
Spring Arbor,	7	4	1	37	10	35	6 mo			100
			2	32	8	60	3 mo			15
			3	5	5	19	6½ mo			390
Napoleon,	19	10	5	37	6	21	3 mo			325
			1	36						400
			2	64	42	65	7 mo			125
			5	40		30	3 mo			270
			6	50	12	58	5 mo			40
			7	24	6	29	4½ mo			100
			8	23	5	26	4½ mo			223
			9	44	5	48	10 mo			100
			11	15	2	17				30
			12	78	10	92	9½ mo			147
			13	10	3	13				90
			14	18						
Liberty,	frac 9	7	1	22		37	3 mo			215
			1	20	2	22	3 mo			75
			2	1						
			3	7						
			7	13		22	3 mo			97
			8	15		28	4 mo			75
			9	18						
	frac 9	6	2	6						
Hanover,			2	35	5	40	7½ mo			90
			3	22		22	9 mo			420
			4	16	5	25	6 mo			121
			5	27	4	29	3 mo			205
			6	9						
			8	14	3	28	4 mo			90
			9	19	1	27				
Pulaski,			2	58	35					60
West Portage,			3	28		20				117
Kalamazoo County.										
Concord,			1	60						500
Richland,	9	3	2	25		25	4 mo			48
			4	14	5	159	4½ mo			50
			5	45	14	51	7 mo			90
Climax,	2	1	1	38	7	34	4 mo			40
Cooper,	6	4	1	12						300
			2	30	6	36	6 mo			42
			4	18						
			10	6	1	10	3 mo			12
	frac 7		1	15						
Charleston,			1	40	4	36	4½ mo			
			2	28		33	3½ mo			
			3	49		54	4 mo			
			7	30						
				17	3	17	3 mo			120
Pavilion,			1	48	12	60	8½ mo			90
Comstock,	8		3	68	15	83	8 mo			90
	frac 4		1	32	5	29	3 mo			68
Portage,		2	1	38						

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Alamo,	frac 7	2	1	37						
			1	21						
			2	8						
Prairie Ronde,	6	3	1	44	18	35	4 mo			
			2	27	44	71	5 mo			
			5	48	9	62	3 mo			\$350
Brady,	9	3	1	52	7	59	3 mo			154
			4	82	10	92	6 mo			500
			6	38			4 mo			60
Barry,	3	2	1	32		21	3 mo			
			3	38		25				570
Kalamazoo,			1	75	6	81	8 mo			600
			2	148	16	100	9 mo			300
			3	41	10	51	6½ mo			175
			6	23	17	40	3 mo			70 40
Johnstown,	3	3	1	8						50
			2	8						325
			3	11						140
Texas,										
Thornapple,										
Hastings,										
Lenawee County,										
Raisinville,	10	6	1	51		6	mo			76
			3	46		42	6 mo			104
			5	49		72	8 mo			119
			6	32		33	3 mo			257
			7	35		30	3 mo			50
			10	20		25	4 mo			112
Rome,	frac 4	1	1	47	40	61	8 mo			85
	frac	1	23	4	27	3	mo			50
	frac	2	15	2		6	mo			
	frac	4	14	13	42	3	mo			42
Franklin,			273	26	251	3	mo			653
Woodstock,	7	4	1	4	16	69	3 mo			174
			2	25	2	31	6 mo	\$18		73
			4	11	3	15	3 mo			16
			2	42	5	51	3 mo			40
Palmyra,	11	3	3	25		49	3 mo			270
			5	60	5	70	4 mo			395
			11	18	6	25	4 mo			32
Seneca,	6	3	3	18	8	31	5 mo			28
			4	18	4	13	3 mo			96
			6	14	4	13	3 mo			
Hudson,	9	2	2	22	4	26	5 mo			53
	frac	7	2	2	2	4	6 mo			23
Fairfield,	9	2	12	27	6	40	4½ mo			80
			4	32	4	51	8½ mo			35
Tecumseh,	10	8	2	143	14	157	6 mo			475
			3	38	3	27	3 mo			222
			4	77	26	84	8 mo			96
			5	37		34	4 mo			416
			6	26		20	4 mo			18
			8	59	20	79	6 mo			130
			9	143		80	3 mo			625
			10	35		17				
	frac	1	15	2	45	7	mo			90
Adrian,	12	8	3	44	15	3	mo			56
			4	42	16	64	3 mo			
			5	40	29	36	3 mo			

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			7	37	2	30	4 mo			\$42
			8	49	10	59	3 mo			
			9	15	3	18	3 mo			39
			11	37	20	25	7 1/2 mo			168
			13	18	3	21	3 mo			50
	frac		1	15	4	19	3 mo			
	frac		2	9	3	6	mo			
Madison,	12	3	1	35	1	46	4 1/2 mo			58
			5	55	8	42	3 mo			90
	frac		1	28	6	53	4 mo			50
Medina,	6	4	2	22	11	33	3 mo			30
			3	17						
			4							
			5	20	10	30	3 mo			71
			6							
	frac		1	28	4	50	3 1/2 mo			400
Cambridge,	6	3	1	37	1	27	4 mo			90
			2	42	11	34	mo			115
			4	22	6	8	mo			58
	frac		1	12	1	13	3 mo			50
	frac		1	7		5	6 mo			73
Macon,			1	66	23	70	7 mo			109
			2	54	4	44	3 mo			401
			3	55	14	65	8 mo			141
			4	27	10	35	4 mo			75
			5	51	12	52	3 mo			80
			7	26	5	30	9 mo			90
			8							
			9	14	3	17	6 mo			40
	frac		1	21	2	40	4 mo			90
Dover,	9	1	1	50	2	32				125
			2	21		29	4 mo			50
			3	26	10	37	3 mo			75
			5	29	5	30	3 mo			140
			6	40	5	45	5 mo			175
			7	23	3	25	3 mo			33
			9	30	3	43	3 mo			210
	frac		1	15	5	53	4 mo			50
Hinsfield, Ogden, Mollin,										
Livingston County.										
Green Oak,	8	7	1	28	6	22	3 mo			18
			2	29	5	18	6 1/2 mo			55
	frac		3	20		18	3 mo			40
			4	26	9	35	3 mo			50
	frac		4	9		9	5 mo			40
			6	23						213
	frac		7	20		2	5 mo			120
Isoco,	6	2	2	16	24	40	7 mo			112
			4	15	7	22	3 mo			179
Tyrone,	5	3	1	16						580
			4	18	2	26	3 mo			367
	frac		1	15						50
Putnam,	8		1	46	7	30	8 mo			
			3	27		22	3 mo			25
			4	16						
			5	11						70
Brighton,			2	24	6	23				225

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			3	34	7	34	3 mo			\$100
			4	29	5	33	3 mo			55
			5	46	6	37	5 mo			35
			6	19	3	17				100
	frac		7	65		45	5 mo			
			8	18						370
Marion,	frac		4	11		6	5 mo			40
			1	31	26	27	3½ mo			50
			2	17	17	40				176
			3	8						
			5	12		12				70
Unadilla,	11	5	2	12		19	3 mo			20
			8	19		19	3 mo			16
			3	32	8	40	3 mo			62
			9	20	2	22	4 mo			50
Osceola,		4	11	25		25	3 mo			15
			1	25	5	28	6 mo			114
			3	17						
			4	24		25				100
Howell,	frac	1	1	20	1	11	24 mo			6
	4	3	1	41	18	50	6½ mo			86
			2	16		10				
			3	10		6				
Genoa,		4	1	6						
	8		2	6						
			5	35						
			6	13						
Hartland,	9	1	6	34	2	36	5 mo			30
Hamburg,	5	2	1	56	3	40	3 mo			21
Tuscola,										
Handy,										
Iena,										
Deerfield,										
<i>Lapeer County.</i>										
Bristol,	10	8	1	47	13	60	3 mo			43
			4	17	10	27	7 mo			230
			9	13	4	17	4½ mo			20
Lapeer,	7	5	1	63		50	5 mo			49
			3	33		21	5 mo			36
			5	29		25	3 mo			21
			6	16		22	3 mo			70
			7	23						
Atlas,	9	2	7	24	13	13	4½ mo			33
			8	23	6	20	4 mo			17
Hadly,	3	1	1	18		18	4 mo			162
Elba,										
Metamora,										
Dunham,										
Richfield,										
<i>Macomb County.</i>										
Armada,	11	9	1	23	3	26	3 mo			287
			2	17	2	15	5½ mo			
			3	16	4	20	3 mo			236
			4	40	10	48	9 mo			186
			5	39	15	54	7 mo			52
			6	32		50	7 mo			45
			7	19	2	18	8½ mo			90
			8	19	3	16	5 mo			50

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Richmond,	5	3	10 7 8	10 8 25		7 20 35	84 mo 5 mo 3 mo			\$15 50 101
Ray,			11 1 2 4 6 8 3	42 27 23 22 27 35 28	6 4 2 5 5 7 6	25 24 22 22 32 27 48	3 mo 5 mo 4 mo 3 mo 4 mo 5 mo 3 mo			46 20 12 64 25 236
Ale, Macomb,	3 11	1 5	1 1 2 3 5 7 2	23 25 19 23 40 38 2	8 15 9 1	31 40 47 16	5 mo 3 mo 3 mo mo			71 146 80 79 50
Lenox,	9	4	8 9 2 4 8 9	20 19 2 12 20 19						
Washington,	13 frac frac frac frac	10	fr 1 3 5 6 8 9 10 11 12 13	51 42 13 61 33 47 32 17 40 42	15 9 13 17 8 12 12 12 9	60 63 16 68 45 64 43 17 52 80	6 mo 3 mo 3 mo 4 mo 4 mo 3 mo 3 mo 3 mo 3 mo 6 mo			500 34 99 69 50 45 38 274 58
Bruce,	13	6	1 2 6 7 9 11 1 2 3 5 9	44 31 30 39 17 5 70 45 62 106 13 14	10 16 1 1 5 3 3	51 40 55 11 6 13 27	6 mo 7 mo 3 mo 4 mo 3 mo mo mo		5	500 150 46 57 13 50
Harrison,	3	2	11 1 2 3 1 5 9	5 70 45 62 106 13 14	1 5 3 3	6 13 27	3 mo 3 mo 6 mo 9 mo			
Sterling,			1 5 9	13 14	12	8	mo			
Shelby, in township,				255						
Jefferson, Hickory, Clinton, Orange,				70						
Monroe County.	7			71		50	6 mo			
Frenchtown, Bedford,	frac frac		1 2 2 2 4 1 2 8 9 11	2 22 22 22 34 46 18 22 28 21	1 1 1 6 6	3 15 23 26 36 24 35 16 21	3 mo 3 mo 3 mo 5 mo 6 mo 3 mo 3 mo 3 mo			17 90 90 60 24 179
Rainville,	12	5								

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Monroe,	11	9	2	51	10	22	3 mo			\$18
			3	63	5	38	3 mo			20
			4	74	4	78	4 mo			
			5	32	15	40	3 mo			
			6	119		47	3 mo			
			7	81	6	41	3 mo			
			8	81	6	41	3 mo			
			9	69	8	35	3 mo			
			10	55		48	3 mo			
Exeter, Ida,	5	3	1	10						
			2	23	2	25	3 mo			
			3	28	6	22	3 mo			
			4	8						
Summerfield,	12	6	1	23	12	47	5 mo			120
			2	84	19	92	8 mo			183
			3	19	8	25	4 mo			25
			4	84						
			5	56	6	55	6 mo			100
			6	19	4	18	4 mo			158
Milan,	6	4	1	24	6	30	6 mo			59
			2	17		18	4 mo			16
	frac		3	4		40	4 mo			90
			4	21						
Whiteford,			5	18						
			6	6						
			7	34	6	35	4 mo			39
	frac		8	17	5	20	3 mo			
London,			9	28	5	33	3 mo			90
			10	23	6	29	3 mo			
			11	31	4	24	1 mo			250
			12	15	2	17	3 mo			200
			13	10	4	13	3 mo			
	frac		14	11	2	12	3 mo			
Lasalle,	10	5	1	60		25	3 mo			60
			2	33						
			3	38		28	5 mo			28
			4	27	9	36	4 mo			83
			5	19						263
Erie,			6	50			3 mo			90
			7	34	1		3 mo			
			8	26						
			9	9	1	10	4 mo			263
Ash,	10	8	1	26	7	42	6 mo			92
			2	44						500
			3	47	32		3 mo			600
			4	31			4 mo			
			5	14						125
			6	14						
			7	25	2	16	3 mo	\$10		63
			8	54	11	65	7 mo	10		160
Oakland County.										
Royal Oak,	10	4	1	48	2	50	3 mo			31
			2	35		44	3 mo			36
			3	47	12	59	4 mo			83
			4	13	26	44	7 mo			80
Independence,			5	48		58	3 mo			120
			6	34		30	3 mo			92
Lyon,	6		1	49	18	67				
			2	58		58	2 mo			

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			4	41	28	41	5 $\frac{1}{2}$ mo			\$136
			6	28	6	56	7 mo			12
			7	6		12	3 mo			
			8	24		24				
			9	25		25	3 mo			40
			10	43		40	5 mo			
			11	18		18	3 mo			
			12	5		4	3 $\frac{1}{2}$ mo			
Rose,	5	1	5	21	1	19	3 mo			130
White Lake,	8	2	3	31	35	66	3 mo			80
			6	9	1	15	8 mo			13
Southfield,	11	6	2	46	18	65	3 $\frac{1}{2}$ mo			75
	frac		2	25	1	14	3 $\frac{1}{2}$ mo			19 $\frac{1}{2}$
			4	23		32	3 mo			
	frac		5	32	5	70	3 $\frac{1}{2}$ mo			225
			6	22	10	32	7 mo			72
			10	41	10	51	3 mo			
Novi,			1	43			7 mo			
			2	35						
			3	36	14	14	3 mo			55
			4	40			3 $\frac{1}{2}$ mo			
			5	26		17	3 mo			24
			6	61		57	3 mo			
			7	87		74	8 $\frac{1}{2}$ mo			60
			8	29		16	3 mo			
	frac			39						250
	frac			32		24	3 $\frac{1}{2}$ mo			
	frac			27						
Bloomfield,	7	6	2	51	8	77	5 mo			30
			3	43	8	52	9 mo			100
			4	58	5	53	4 mo			20
			5	35	10	45	3 mo			20
			6	76	10	80	10 mo			
	frac		7	51		101	3 mo			190
	frac		2	29	17	25	9 mo			49 $\frac{1}{2}$
	frac		2	5		5	3 $\frac{1}{2}$ mo			28
	frac		4	26	6	31	3 mo			77
	frac		17	13		12	3 mo			45
Avon,			1	68	10	50	3 $\frac{1}{2}$ mo			140
			3	20	5	22	4 mo			150
	frac		1	29	9	38	9 mo			90
			4	36	5	35	3 $\frac{1}{2}$ mo			290
	frac		5	68	16	66	3 mo			
			6	20	8	30				
			7	39						
Orion,	7	2	1	35						160
			2	41						
			6	40	42	82	9 mo			90
Pontiac,	9		7	44	23	67	3 mo			
	frac		17	39	13	51	3 mo			
			1	46	2	42	3 mo			318
Troy,	8	7	2	78	46	102	6 mo			127
			3	58	14	58	5 mo			485
			5	25	2	27	3 mo			25
			6	50	6	56	6 mo			107
			7	37	5	49	5 mo			88
			8	59	4	41	3 $\frac{1}{2}$ mo			430
			1	33	4	37	9 mo			90
	frac		2	22	1	22	3 mo			314
	frac		3	41		20	9 mo			425

[illegible]

Counties and Townships.	Whole number of districts in said township.	No. from which reports have been made.	No. of district.	No. of scholars between the ages of 5 & 17 in each.	Number attending school under 5 and over 17.	Whole number attending school in each district.	Length of time a school has been kept by a qualified teacher in each.	Am't of money received from school inspectors by each.	Amount received for use of district library.	Amount received in each district.
<i>Ottawa County.</i>			9	21						\$146
Ottawa,	6		1	46		30	3 mo			99
Muskegon,										
Tallmadge,										
<i>St. Joseph County.</i>										
Burr Oak,	4	2	1	25	2	27	3 mo			45
			3	18	8	26	3 mo			53
Notawa,			1	29						430
			2	24						150
			3	34		23	4 mo			250
			4	19		13	3 mo			200
			5	21		20	2 1/2 mo			50
Bucks,		1	1	46	2	26	3 mo			500
Sherman,	5	2	2	57	7	62	9 mo			150
			3	58	4	55	5 mo			317
Flowerfield,	4	3	1	28	12	50	4 mo			100
			2	13		12				18
			3	23						
Leonidas,	4	2	2	31	8	39	4 mo			111
			5	47	8	48	3 mo			190
Florence,	3	1	1	35	7	42	6 mo			105
Colon,	6	2	1	43	8	55	3 mo			237
			2	28	16	27	3 mo			366
Fawn River,	3	1	1	35	6	3	3 mo			225
Park,	5	2	1	22		25	6 mo			68
			2	29		33	6 mo			
Constantine,	6	3	1	77		46	6 mo			168
			2	44	16	60	4 1/2 mo			120
			4	25		27	6 mo			
White Pigeon,										
Mottville,										
<i>Shiawassee County.</i>										
Shiawassee,	6	2	3	23			3 mo			50
			4	13			3 mo			50
Bennington,	6	1	1	13		10	3 mo			
Dewitt,		2	1	24	1	25	5 mo			400
			5	40	6	46	4 mo			42
Watertown,	8	1	5	22		27	4 mo			
Woodhull,										
Owasso,										
Antrim,										
Vernon,										
Barns,										
Woodington,										
<i>St. Clair County.</i>										
Lexington,	3	1	1	26		19				630
Clay,	5	2	1	32	19	50	8 mo			230
			5	23			5 mo			
Cottleville,	3	2	1	97			3 mo			50
			2	57						
St. Clair,	5	3	1	67		42	4 mo			90
			2	27		25	4 mo			75
			4	21		15	3 mo			39
China,	7	5	1	39						
			2	9		5	3 mo			216

<i>Counties and Townships.</i>	Whole number of districts in said township.	No. from which reports have been made.	No. of district.	No. of scholars between the ages of 5 & 17 in each.	Number attending school under five and over 17.	Whole number attending school in each district.	Length of time a school has been kept by a qualified teacher in each.	Am't of money received from school inspectors by each.	Amount received for use of district library.	Amount received in each district.
			3	11		28	3 mo			\$114
			4	43						175
			5	35						
Port Huron,	5	3	2	40	5	40	6 mo			
			3	35	4	26	3 mo			87
			5	76	15	80	4 mo			90
Columbus,	2	2	1	9						
			2	4						
Clyde,	2	1	1	50		42	3 mo			
Van Buren County.										
Clinch,	4	2	1	11		11	3 mo			
			2	11						75
			4	12						150
Antwerp,	6	2	1	9						500
			5	13		31	3 mo			48
Lafayette,	1	1	1	61	18	79	7 mo			185
Decatur,			1	32		28				
			3	18						
			4	26						
Lawrence,	6	3	2	30	37	38	5 1/2 mo			160
			4	8						400
			6	18	5	21	2 1/2 mo			20
Washtenaw County.										
Ypsilanti,	11		2	136	12	104	7 1/2 mo			125
			4	131	27	110	12 mo			380
			6	45	4	55				
			7	37	21	62	8 mo			90
			8	37	15	60	5 1/2 mo			50
			9	36	16	65	3 mo			78
			16	51	30	45	6 mo			406
Ann Arbor,	15	3	5	51	5	38	5 mo			103
			11	133	10	122	4 mo			240
			15	23	4	47	7 mo			95
Augusta,	8	5	1	57	25	82	11 mo			50
			2	22	3	26	3 mo			215
			4	22	1	22	6 mo.			75
			5	30		25	4 mo			50
			6	16	2	25	5 mo			30
Sylvan,	7	3	3	25	4	29	7 mo			43
			4	31	10	25	3 mo			58
			7	41	10	41	6 mo			72
Bridgewater,	9	8	2	33	1	22	9 mo	83		90
			3	38	8	45	9 mo			83
			4	56	10	58	9 1/2 mo			90
			5	49	8	38	3 mo			145
			6	47	12	45	3 mo			60
			7	31	6	43	8 1/2 mo			59
			8	36		34	6 mo			90
	frac		5	10	3	13	7 mo			60
Webster,	6	5	1	40		24	5 mo			30
			2	17	12	24	3 mo			218
			3	39		26	5 mo			148
			4	29	4	28	5 mo			275
	frac		1	17	6	19	7 mo			44
Superior,	8		1	67	20	71	3 1/2 mo			300
			2	33	5	24	3 1/2 mo			
			3	10	10	93	4 mo			
			4	28	8	36	3 mo			90

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Manchester,	frac	4	5	37	1	33	5½ mo			\$17
	frac		6	41	4	68	6 mo			18
	frac		7	54	12	53	3 mo			86
	frac		1	8	4	9	4½ mo			66
	frac		2	70	4	72	10 mo			
	frac		1	28	2	30	8 mo			400
	8		1	50		60	4 mo			115
			2	77	6	83	7 mo			225
			3	33		32	4 mo			57
			5	16		24	3 mo			63
Salem,	13		8	34	6	40	7 mo			312
			1	29	6	35	3 mo			19
			2	57	22	57	3 mo			82
			3	60	5	46	6 mo			89
			4	29	4	25	3 mo			65
			8	45	15	60	7 mo			90
			6	18	6	17	5 mo			74
			7	36	10	46	7 mo			80
			frac	29	3	21	4½ mo			60
			frac	11	5	3	3½ mo			60
Lima,	frac	4	12	10		6	5½ mo			31
	frac		13	23	2	25	10 mo			90
	frac		9	25	4	26	5 mo			78
	frac		2	72	9	86	6½ mo			62
			4	27	13	22	3 mo			90
			7	44	9	50	8 mo			80
			8	21	6	26	7 mo			90
			1	48	9	42	8 mo			90
			3	43	8	48	3½ mo			268
			7	38	5	30	3 mo			48
Scio,	11	7	9	53	13	71	5 mo			95
			11	43	12	53	6 mo			
			15	31	3	47	7 mo			
			1	8		9	6 mo			35
			4	47	6	38	8 mo			
			5	28		35	4 mo			126
			6	33	9	48	7 mo			90
			7	31	7	35	3 mo			130
			1	37	6	36	3 mo			40
			2	45	10	55	8 mo			300
Northfield,	10	5	3	30	2	20	4 mo			120
			4	35		35	4 mo			86
			6	40	3	28	3½ mo			125
			1	90	2	70	6 mo			58
			2	71	10	82	3 mo			85
			3	18	3	16	4 mo			60
			4	38	7	52	7 mo			59
			5	35	1	23	3 mo			86
			6	41	12	41	6 mo			40
			frac	26	3	29	6 mo			45
Freedom,	frac	5	1	33	6	73	7 mo			89
	frac		5	22	1	17	4 mo			172
	frac		6	17	6	23	6 mo			124
	frac		7	4	1	7	4 mo			137
	frac		1	58	6	58	6 mo			62
	10		2	44	11	55	4 mo			
			3	17		17	4 mo			
			4	42	13	60	8 mo			
			5	42	5	35	3 mo			
			6	32	11	43	7 mo			
York,	11		1	37	1	33	5½ mo			
			2	41	4	68	6 mo			
			3	54	12	53	3 mo			
			4	8	4	9	4½ mo			
			5	70	4	72	10 mo			
			6	28	2	30	8 mo			
			7	50		60	4 mo			
			8	77	6	83	7 mo			
			9	33		32	4 mo			
			10	16		24	3 mo			
Pitt,	13		1	34	6	40	7 mo			
			2	29	6	35	3 mo			
			3	57	22	57	3 mo			
			4	60	5	46	6 mo			
			5	29	4	25	3 mo			
			6	45	15	60	7 mo			
			7	18	6	17	5 mo			
			8	36	10	46	7 mo			
			9	29	3	21	4½ mo			
			10	5		3	3½ mo			
Lima,	9	4	11	10		6	5½ mo			
			12	23	2	25	10 mo			
			13	25	4	26	5 mo			
			2	72	9	86	6½ mo			
			7	27	13	22	3 mo			
			8	44	9	50	8 mo			
			1	21	6	26	7 mo			
			3	48	9	42	8 mo			
			7	43	8	48	3½ mo			
			8	38	5	30	3 mo			
Scio,	11	7	9	53	13	71	5 mo			
			11	43	12	53	6 mo			
			15	31	3	47	7 mo			
			1	8		9	6 mo			
			4	47	6	38	8 mo			
			5	28		35	4 mo			
			6	33	9	48	7 mo			
			7	31	7	35	3 mo			
			1	37	6	36	3 mo			
			2	45	10	55	8 mo			
Northfield,	10	5	3	30	2	20	4 mo			
			4	35		35	4 mo			
			6	40	3	28	3½ mo			
			1	90	2	70	6 mo			
			2	71	10	82	3 mo			
			3	18	3	16	4 mo			
			4	38	7	52	7 mo			
			5	35	1	23	3 mo			
			6	41	12	41	6 mo			
			frac	26	3	29	6 mo			
Freedom,	frac	5	1	33	6	73	7 mo			
	frac		5	22	1	17	4 mo			
	frac		6	17	6	23	6 mo			
	frac		7	4	1	7	4 mo			
	frac		1	58	6	58	6 mo			
	10		2	44	11	55	4 mo			
			3	17		17	4 mo			
			4	42	13	60	8 mo			
			5	42	5	35	3 mo			
			6	32	11	43	7 mo			

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Lodi,	frac			7	24	2	20	2 mo			\$77
	frac			2	21	7	28	4 mo			255
	frac			7	15						86
	frac			8	47			7 mo			25
	9			1	17	5	36	5 mo			
				3	32		24	3 mo			
				4	54	18	80	8 mo			124
				5	49	9	59	9 mo			90
				7	36	14	61	7 mo			174
Saline,				9	13	1	13	4 mo			25
	14			1	79	15	75	7 mo			162
				2	37	1	40	4 mo			
				3	27	16		8 mo			110
				4	20			3 mo			
	frac			5	31	6	36	4 mo			45
	frac			7	28	9	35	6½ mo			
				8	27		32	6½ mo			
				9	41	16	61	7 mo			60
				11	21						
	frac			14	15	6	23	6 mo			40
Dexter,	5		5	1	28		28	5 mo			
				2	43		80	3 mo			
				3	33		30	7 mo			
Sharon,				5	16		14	6 mo			
	8			1	53			11 mo			156
				2	38	6	44	3 mo			138
				3	41	5	41	3 mo			350
				5	22	9	41	5 mo			125
				6	10	81	35	4 mo			680
				7	23	15	40	9 mo			60
				8	16		17	4 mo			101
	frac			5	21	5		3 mo			25
	frac			1	8		37	3 mo			215
Wayne County.											
Redford,	12		9	4	37		37	4 mo			195
				5	34		49	2 mo			80
				7	23		23	3 mo			98
				8	34	10	42	9 mo			112
				9	40	7	47	9 mo			75
				11	29	4	33	4 mo			34
				12	29	1	30	3 mo			18
				10	26	5	35	3 mo			
				3	17	4	21				
				3	70		20	4 mo			30
				4	77	7	40	3 mo			100
Greenfield,				7	56		68	4 mo			141
	frac			8	13	1	14	6 mo			143
	frac			8	30	13	42				
Detroit,				9	45						
	7		7	1	225	18	137	3 mo			
				3	193	9	57	3 mo			
				4	346	7	65	3 mo	\$10		240
				2	372	3	125	3 mo	10		240
				5	299		60	3 mo			
				6	245		30	3 mo			
Livonia,				7	417		43	3 mo			500
	6			3	56	10	66	4 mo			64
				4	52	8	42	6 mo			64
			3	5	25		24	6 mo			

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	frac		6	27	10	37	3 mo			\$40
	frac		1	7	9	46	3 mo			87
	frac		7	34		41	4 mo			10
	frac		8	83	8	60	5 mo			50
	frac		9	28	15	52	8 mo			77
Monguagon,			2	19						
			3	20			6 mo			
Van Buren,	7		3	36	12	48	3 mo			50
			7	29	15	44	4 mo			90
Ecorse,	4	2	1	16	4	20	3 mo			
			3	89						
Brownstown,	9	4	1	62	9	71	4 mo			60
			2	32		32	3 mo			177
			5	34	6	40	4 mo			175
			7	35	12	47	3 mo			50
Plymouth,	11	10	2	118	11	139	5 mo			118
			3	35	11	46	3 mo			62
			4	51	10	61	4 mo			82
			5	59	1	55	6 mo			61
			6	94	6	84	10 mo			167
			7	48	5	53	7 mo			45
			8	32	6	25	5 mo			73
			9	51	4	41	4 mo			250
			10	33		17	6 mo			155
			11	54						300
	frac		1	25		25	5 mo			
	frac		2	29	8	37	3 mo			67
	frac		3							
	frac		1	30	8	38	3 mo			87
	frac		1	2						250
	frac		1	23	4	25	3 mo			
	frac		1	26	10	36	9 mo			205
Remulus	3	3	2	68	25	70	9 mo			78
			3	29	5	28	3 mo			
			5	13	1	14	6 mo			
Hamtramck,			1	51	5	56	6 mo			143
			4	59						
			6	64	9	73	3 mo			150
Nankin,	10		2	36		26	3 mo			31
			3	70	13	67	3 mo			59
			4	32						119
			6	31						
			7	78		41	4 mo			36
			8	26	3	29	3 mo			273
			9	26	6	32	3 mo			247
Canton,	12	8	1	47		47	3 mo			
			2	49	6	46	4 mo			
			3	41	10	45	4 mo			22
			4	29		18	3 mo			15
			6	20	4	17	3 mo			25
			8	33		27	5 mo			
	frac		1	43		35	3 mo			
	frac		1	41		38	5 mo			
	frac		2							
	frac		3							
Huron,			1	41	9	59	3 mo			48
			2	41	3	60	3 mo			54
			3	28	2	34	3 mo			50
			4	25	7	32	3 mo			80
	frac		5	2						

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Dearborn,			2	29						\$90
			3	28						218
			4	43						135
			7	100						192
Springwells,			1	67		28	3 mo			75
<i>Saginaw County.</i>										
Saginaw,	3	2	1	85		72	8 mo			590
			2	41		25	4 mo			196

(No. 3.)

Report of the Regents of the University.

In compliance with the provisions of the 16th section of chapter two, title eleven, of the revised statutes of the state of Michigan, the board of regents of the university respectfully submit to the Superintendent of Public Instruction, the following report :

As no formal report has heretofore been made to the legislature, a brief recapitulation of the several enactments relative to the university and its branches, with the proceedings of the board of regents, in obedience thereto, is deemed not inappropriate.

The constitution of Michigan, article ten, section five, declares that "The legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States to this state for the support of a university ; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund for the support of said university, with such branches as the public convenience may hereafter demand for the promotion of literature, the arts and sciences, and as may be authorized by the terms of such grant. And it shall be the duty of the legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university."

It may be remarked, in connection with this subject, that the foregoing constitutional provision had more immediate reference to two townships, or 46,080 acres of land, reserved by act of congress, approved May 20th, 1826, and subsequently granted to this state by act of congress, providing for the admission of Michigan and the ordinance of said state, approved 25th July, 1836.

In obedience to the constitutional requirement, the legislature of this state passed the "Act for the organization and government of the university of Michigan," approved March 18th, 1837. This act establishes "The university of Michigan," declares its object—provides for its government by a board of regents—the manner and term of their appointment, duties, powers and other details necessarily connected therewith. An act amendatory to the last named act, was passed June 21st, 1837. An act to locate the university of Michigan in or near the village of Ann

Arbor, in the county of Washtenaw, was approved March 20th, 1837.

These several enactments form the basis of the proceedings of the board of regents, a summary of which is now given.

On the fifth day of June, 1837, in pursuance of a notice given by the Governor of the state, a quorum of the board of regents, who had been previously appointed by him by and with the advice and consent of the Senate, met at Ann Arbor, and organized under provisions of the twenty-second section of the act approved March 18th, 1837. A secretary, treasurer and librarian were then appointed.

Under the second section of the act approved March 20th, 1837, the regents selected a site for the university buildings, and obtained a satisfactory title to forty acres of land, with right to the water of springs adjacent, and the right of way for the conveyance of the same to the buildings of the university. At that meeting, the regents resolved that the following branches of the university be established as soon as can conveniently be done, with a due regard to the public interests, viz :

First, one in the first senatorial district.

Second, one in the second senatorial district.

Third, two in the third do do

Fourth, one in the fourth senatorial district.

Fifth, three in the fifth senatorial district ; making eight branches in all, and appropriated \$8,000, to aid in the payment of teachers to be employed in the branches when organized.

In pursuance of the foregoing resolution, five branches have been organized and are now in operation, viz :

At Pontiac, in the county of Oakland, to which a principal instructor was appointed September 15th, 1837 ; at Monroe, in the county of Monroe, to which a principal instructor was appointed February 19th, 1838, and a tutor May 10th, 1838 ; at Kalamazoo, in the county of Kalamazoo, to which a principal instructor was appointed May first, 1838 ; at Detroit, in the county of Wayne, to which a principal instructor was appointed May twentieth, 1838, and a tutor June 20th, 1838 ; at Niles, in the county of Berrien, to which a principal instructor was appointed September 15th, 1838.

The number of pupils at the several branches, per last report of the principal instructors, is as follows :

At Pontiac,	27
At Monroe,	63
At Kalamazoo,	22
At Detroit,	40

At Niles,

9

• Total number of students now reported, 161

Of the above number of students, ten will be qualified in 1839, as teachers for common schools, and six for the university. In 1840, say September first, thirty students will be ready to enter the freshman or, perhaps, sophomore classes in the university. In 1841, say September first, thirty-five students will be prepared in like manner. In 1842, say September first, forty students will be prepared. Total students, whose parents design for a liberal education, one hundred and one, with ten reported as destined for teachers. The balance of the students, now in the branches, are such as have not been reported by themselves or parents, as having definitely determined upon their future course of studies, amounting to fifty in number. The regents, however, feel assured, that great accessions will be made to those enumerated, of such as will be prepared to enter the university in 1841 and 1842, if not sooner. And they cannot forbear the remark, as matter of congratulation to the state at large, that wherever a branch has been established, it has not only received the decided approbation and support of the inhabitants in its immediate vicinity, but has continued regularly to increase in the number of students from term to term. A code of by-laws for the government of the branches has been adopted, a copy of which is herewith submitted.

A uniform system of studies for the branches, has thus been adopted, subject, however, to such alterations as experience may suggest.

The system of branches, their organization, board of visitors, support of instructors, in a word, every thing connected therewith, being a new and heretofore untried experiment in our country, the regents sensibly feel that they have much to learn, and that experience is the best, if not the only teacher. They, therefore, feel the necessity and importance of proceeding with caution and deliberation. They are not insensible to the importance of the trust confided to them, that of establishing a permanent foundation for the moral and intellectual culture of our rising state.

The branches thus far established, have been only for boys. No female branches have been organized.

Under the provisions of the act of the legislature, entitled "An act to authorize the loan of a certain sum of money to the university of Michigan," approved April 6th, 1838, the loan of \$100,000 has been negotiated.

A valuable cabinet of minerals, from European and other localities of the old world, has been purchased, and is now in possession of the regents. For this object \$4,000 have been appropriated.

ted, \$1,000 of which have been paid and the residue is to be paid in annual instalments.

A professor of Botany and Zoology, (the only professor yet chosen,) was appointed on the 17th day of July, 1838.

As Doctor Asa Gay, the professor above mentioned, was about to visit Europe, in part on his own private account, and partly in discharge of his professional duties to the university, the sum of \$5,000 has been placed at his disposal, for the purchase of books, as the commencement of a university library. Arrangements have also been made, through this gentleman, for obtaining such information as may be desirable in procuring the most modern and approved apparatus for the departments of natural science.

The regents, with the approbation of the Governor and Superintendent of Public Instruction, in pursuance of the act of the legislature, approved March 18th, 1837, section twenty-three, have adopted a plan for the university buildings, determined upon the materials to be used in their construction, and taken such other measures as were thought advisable for their construction. Preparatory to this object a superintendent of the buildings has been appointed, and some materials purchased.

The expenditures on branches, during the past year, amount to \$7,800.

The estimate for the current year, as salaries to professors, principals and tutors of branches, is	\$10,000 00
For university buildings,	35,000 00

Total estimate of expenditures in 1839, \$45,000 00

The Superintendent of Public Instruction reports the sum of \$9,171 42-100, subject to the warrant of the Auditor General, in favor of the treasurer of the university, and that the further sum of \$2,000 or \$3,000 may yet be received, being interest on the university fund.

In conclusion, the regents would congratulate the legislature, and through them, the citizens of Michigan, whose representatives they are, upon the flattering auspices under which this great moral and intellectual institution has commenced. Recognizing the fact, that "righteousness exalteth a nation," and that "sin is a reproach to any people," the regents have been studiously careful, in all their appointments, not only to select instructors of high intellectual attainment, but also such as are of well established character for their reverence and confidence in the attributes of the Ruler of the universe, and disposer of all events, as he has revealed himself in his word, who recognize his law as always binding and forming the rule of our actions.

Under such instructors only, the board feel convinced they can

confidently look to the Giver of all good, for the usefulness and permanency of that institution, the care of which has been intrusted to them. And on him alone would they rely for that wisdom which shall enable them so to educate and "train up the youth of our state in the way they should go, that when they are old they may not depart from it."

Respectfully submitted.

J. KEARSLEY,
Z. PITCHER,
ROSS WILKINS,

Committee.

Adopted by the board, January 5th, 1839.

Detroit, January 5th, 1839.

(No. 14.)

Bank Commissioners' Report.*To the Honorable the Senate and House of Representatives of the State of Michigan.*

The undersigned, Bank Commissioners of the state of Michigan, have the honor to transmit herewith, a report of the affairs and condition of the several banking institutions of the state of Michigan, together with an abstract of exhibits and other documents therein referred to.

Very respectfully,

K. PRITCHETTE,
A. FELCH,
D. V. BELL.

January 18, 1839.

REPORT, &c.*To the Honorable the Senate and House of Representatives of the State of Michigan.*

The undersigned, the Bank Commissioners of the state of Michigan, in obedience to the provisions of the nineteenth section of the act to create a fund for the benefit of the creditors of certain moneyed corporations, by which it is made their duty, "in the month of January in each year, to report to the legislature, the manner in which they have discharged the duties imposed upon them—and to accompany such report, by such abstracts from the reports made to them, and by such other statements as they may deem needful," have the honor, conformably thereto, to present the following report :

The *manner* in which they have discharged the duties imposed upon them, being the first branch of their present duty, will claim a brief attention, before entering on the subject matter of their report.

The peculiar embarrassments which they have had to encounter, and the weighty responsibilities consequent thereupon, clothes this duty with a new character. It becomes an act of justice to themselves, and to those who have honored them with so important a trust.

At the period the commissioners entered upon their labors, every portion of the state was flooded with a paper currency, issued by the institutions created under the general banking law. New organizations were daily occurring, and the public mind was eve-

ry where agitated with apprehension and distrust. The state was in the midst of the evils consequent upon an excessive and doubtful circulation. Rumors of the most frightful and reckless frauds were daily increasing. In this emergency, prompt and vigorous action was imperiously demanded, as well by the public voice as the urgent necessity of the case. Upon a comparison of opinions, the Commissioners united in the conclusion, that their duty was of a two fold character. The first, and most obvious one, was to take immediate and decided measures in ascertaining and investigating the affairs of every institution suspected of fraud, and closing the door against the evil without delay. The second was a duty of far more difficult and delicate a nature, and involving the assumption of a deep responsibility.

The public interest seemed to require that some distinction should be made between cases of wilful fraud, and those of a mere violation of the law. The first class could proceed but from one motive; the second might arise from misapprehension of the law, inflated views, error, ignorance, and various other causes, not the least of which were the pressing necessities of those, who being largely indebted, seized the opportunity of present relief, with the expectation that a short delay would enable them to realize the means of redemption.

In those cases where the commissioners could induce securities to be given, and excite vigorous efforts, with any prospect of success, to withdraw their excess of circulation, and render certain the final redemption of all liabilities, they considered it their duty to the public to overlook former irregularities, and allow and encourage the banks to sustain themselves, and those engaged in them, to preserve their honor and character. This conclusion was based upon the fear of the dreadful consequences which would ensue, should the vast amount of paper money in circulation be left suddenly in the hands of the community, with no prospect of redemption but through the tardy aid of the laws.

With these determinations, the Commissioners commenced their labors, and traversed the state in every direction, where public apprehension, or private information, pointed at fraud. The result of their first efforts was placed in the hands of the legislature, and is on the files of your honorable body.

The second branch of their labors has anxiously and painfully occupied them until this time. How far the gradual withdrawal and redemption of a vast amount of the circulation—the valuable and ample securities obtained, by inducing a compliance with the amended laws in many institutions which they have subsequently found it necessary to enjoin, have justified their interpretation of their duties, and the responsibilities they have assumed, is confidently submitted to a candid consideration.

Had the Commissioners confined their sense of duty to the strict

letter of the statute, their task would have been comparatively easy, put in no jeopardy their characters and reputation, and restricted their efforts to a less expensive and less arduous service.

The injunctions obtained within the few last months have been numerous. This arises from the fact, that the public have ceased almost entirely to receive the money of the safety fund banks; credit being withdrawn, their notes have accumulated in large sums in a few hands, and coming home in masses, they have lost the ability, which might have been maintained if presented in small sums, to redeem them, their exertions have been paralyzed, indifference has been manifested in making any provision for them, and the annual instalments have been neglected. The reasons, therefore, which induced the Commissioners to second their efforts, have no longer room for exercise; a disposition is manifested to escape liabilities; the dangerous responsibility resting on the Commissioners is, therefore, no longer demanded, and the safety of the public, in whose hands the irredeemable paper lies, has satisfied them that the assets and securities should be placed in less interested hands.

The difficulty of maintaining an impartial action has led the Commissioners to the adoption of the rule, that the first information conveyed of the insolvency of a bank should be through an injunction. Had the doubtful condition which a bank presented upon investigation, been heretofore bruited abroad, it would have been vainly urged to reinstate its credit; and now, when all but the notes of those of undoubted character, have ceased to be a currency, the proclaiming the disaster, would have no effect but that of enabling the vigilant, and those nearest the source of information, to dispose of them, to their more careless or remote fellow citizens.

In obedience to the second requirement of the statute, quoted in the opening of this report, three documents, marked A, B, and C; being copies of the several reports made to the executive during the past year, are herewith transmitted, together with an abstract of the statements furnished by the banks, showing their liabilities and resources.

Injunctions have been issued against the Goodrich bank and the Bank of Oakland. The manner in which the books of the *former* were kept, and the wish of the stockholders to close their concerns, dictated the course. Its circulation is very small, and will all be paid. The *latter* institution, having no available means to redeem its circulation, and having failed to pay in the annual instalment required by law, was proceeded against for insolvency and infraction of the statute. Its assets and securities are, it is believed, amply abundant to cover all its liabilities. The Bank of Utica has been also enjoined, for similar reasons with those

stated in regard to the last mentioned institution, and the probability of its redeeming all its liabilities, rests upon a similar footing.

An injunction was obtained against the Oakland county bank, which is a chartered institution, for refusal to allow an examination to be perfected, or to furnish a statement of its affairs. An injunction had some time since been obtained against it, for an alleged violation of its charter, but removed by an application made by the bank to the Chancellor. From the circumstances which induced the previous application, and from the partial examination lately made, the imperative obligations of duty demand the recommendation, which is here made, that the legislature should authorize a committee to examine into its operations and condition.

The Saginaw city bank has been enjoined on the ground of insolvency. It numbered among its assets, as specie, a certificate for \$15,000, deposited in the city of New York, in the hands of a highly respectable commercial house. On this certificate, the president and cashier have always insisted they were authorized to draw. This certificate supplied the place of capital stock of the bank, which had been loaned by the cashier of the Farmers' and Mechanics' bank, through the instrumentality of the late cashier of the Bank of Clinton, to set the bank in operation, and had afterwards been returned. The high standing of the gentleman who had the control of this institution, and the respectable character of the certificate, induced a departure from the customary rule of the commissioners not to recognize specie certificates.

The assurances of the president, as to its availability in the redemption of the circulation, were received. The conduct of the bank for some time justified this confidence. But at the last examination, it was perceived that this essential item to the solvency of the institution was still estimated as specie, to the amount of \$13,289, whilst a large circulation was afloat which the bank had ceased to redeem on presentation at its counter; it was not, therefore, deemed prudent or safe, any longer to recognize as an available asset that which was practically useless. The violation, also, of the provision of the statute requiring the payment of the annual instalment, left no choice but the course adopted. The bank had furnished the necessary securities required by the amended act, which, with its other assets, should be sufficient to secure its liabilities.

The Clinton canal bank is also under injunction. This bank was also put in operation by a loan from the same source, but subsequently passed into other hands, from whom abundant security was obtained for the ultimate redemption of its then liabilities. The president, David Paddock, Esq., obtained the control of the bank, and furnished a most valuable part of the secu-

rities. Every assurance was received that immediate measures should be taken to lessen its circulation; this, to some extent, was done, but untoward circumstances prevented the immediate fulfillment of the engagement. Subsequently, the stock was transferred to other hands, without any information to the Commissioner, who had relied upon the character of the president, judge Paddock, who had given so strong a guarantee of good faith by furnishing valuable securities. Assurances, however, were given, on application to the gentleman above named, that the purchaser, J. L. Conger, was then absent to negotiate a loan for the reinstatement of the institution—that nothing had been done, or would be allowed, injurious to the public interest—and that he had ample security from the purchaser to guarantee its safety. The loan, however, was not effected, and it is to be apprehended, that a considerable amount of the notes were abstracted and disposed of in a fraudulent manner. No imputation, however, is cast upon the integrity of judge Paddock, who does not consider himself responsible for the acts of the bank subsequent to the disposal of his stock. He has claimed from the Auditor General, a release of his securities, by the substitution of those offered by Mr. Conger, under the *proviso* of the sixth section of the amended act of December 30, 1837. The Auditor General, however, under the sanction of the Commissioners, has refused to surrender the securities. As no entries were made of the bills abstracted, and as the stockholders, upon the discovery of the fact, burnt all the remaining sheets found in the bank, the amount of circulation is doubtful. Yet, so far as can be ascertained by the receiver, from bills in his hands, and within his knowledge, there is reason to hope that the securities, if realized, will go far to redeem the liabilities of the bank.

The Bank of Shiawassee and the Bank of Auburn have never gone beyond their organization, and are among the cases hereafter mentioned as requiring legislative interference.

An injunction has been obtained against the Bank of Coldwater, it having failed to effect the negotiation mentioned in document marked C, herewith transmitted, from which the ability was anticipated of redeeming its circulation. Confidence, however, is entertained that it will be able to pay all its liabilities.

Application has likewise been made for injunctions against the Bank of Allegan and the Berrien County Bank, and judicial proceedings are in process of institution through the Attorney General. In the case of the Bank of Allegan, the application is a renewal of one made by the late commissioner, Thomas Fitzgerald, Esq., for violations of law and general insolvency. The condition of the Berrien county bank at its examination in July last is exhibited in the report above mentioned, marked C. It will there be seen that the operations of the bank were then suspen-

ded—that certain requirements were then insisted upon, and that their moneys and effects were removed out of their hands, and beyond their control, until a faithful compliance with these requirements were made. A failure has taken place in the full performance of these engagements, although much has been accomplished in the redemption or withdrawal of its bills from circulation, and in the decrease of its other liabilities. This result proves the correctness of the policy adopted, of *suspending* the operations of the institution, instead of putting an abrupt termination to its action by a writ of injunction. No further desire, however, on the part of the bank seemed to exist, at all events no effort was made; farther to better its condition, and an injunction was therefore applied for, as above stated.

The People's bank of Grand river, located at Grand Rapids, which commenced operation in violation of law, was in consequence suspended by the Commissioner, as reported to the executive in the document last referred to. On a subsequent visit and examination, the bank, at the suggestion of the Commissioner, assigned all its effects and assets into the hands of trustees, satisfactory to him, for the benefit of its creditors. This course seemed to be the only proper one to adopt under the peculiar circumstances of the case. The requisite certificate of organization not having been filed according to law in the Secretary of State's office, the association was, in consequence, not cognizable as a corporate body, or within the jurisdiction of the Chancellor. All the indebtedness to the public, with the exception of one or two hundred dollars, has been already cancelled, and no loss will be sustained by the public.

The Farmer's bank of Homer, and the Bank of Battle Creek have been allowed a reasonable time to effect negotiations of loans, for the purpose of redeeming their circulation, which those having the control of both these institutions are sincerely anxious to withdraw from the community. The Commissioner believed it a duty, in the advancement of the public interest, to second these endeavors, which without doubt are faithful and earnest, by affording them the opportunity to raise competent means to effect this purpose. This course was pursued under a conviction that the public could sustain no injury, but be materially benefited by the measure, by receiving good and current funds for the notes of these banks, in from one to two months at farthest, instead of waiting the result of a protracted process in chancery.

The Bank of Battle Creek, there is good ground for assurance, will be in possession of the means to effect this desirable object in the course of two weeks, a favorable issue to the pending negotiation for that purpose being confidently entertained.

The Bank of Singapore has not been visited, the roads being impassable at the time the Commissioner was engaged in his tour

of examination. An early investigation of its affairs, however, will be instituted, and made the subject of a special report.

The Bank of Manchester has been engaged solely in redeeming its circulation and discharging its responsibilities. It has reduced its circulation from more than \$100,000 to \$25,514, and its resources are abundantly sufficient to pay all its responsibilities. The stockholders will, however, in all probability find it to their interest to close the institution.

Besides the banks in the second circuit included in the list hereto annexed in the general abstract, there has been organized, under the general banking law, the Commonwealth bank, at Tecumseh, the Citizen's bank, at Ann Arbor, the Michigan Centre bank, at Michigan Centre, neither of which has issued bills, although all have given security. In these instances, as in some others, the interest of the community requires, in the opinion of the Commissioners, an abrogation of chartered privileges and a provision of law authorizing the proper authorities, under such salutary restrictions as will secure the public against all possible injury, to discharge the securities given. In the instances above mentioned, and in some cases in the third circuit, it is believed that such a course will be perfectly satisfactory to those who are interested, and who find it no object to embark, or proceed, in banking operations.

The Millers' Bank of Washtenaw, at Ann Arbor, with a circulation of about \$400, and the Bank of Superior, at Superior, with a circulation of only about \$50, came to the conclusion some time since to close up their concerns. In both instances their bills have uniformly been redeemed, and still are redeemed on presentation. In these and other cases where no possible loss could occur, the Commissioners could see no good object in instituting adverse proceedings to close up their concerns by a long and expensive process in chancery, and no authority seems any where in the law to be given for an amicable surrender of chartered rights upon payment of responsibilities.

The Commissioners would therefore beg leave to recommend to the legislature a careful examination of this subject. Perhaps the permission of an assignment, to operate as a surrender of chartered privileges, might be given, under the supervision of the Commissioners, and made available to any of the safety fund banks now existing, with a view to the immediate payment from their assets of all responsibilities to the public, and a final division of all remaining balances among the stockholders. It would be necessary, also, to provide that upon the payment of all, or nearly all, of the liabilities of the institutions, the Auditor General, with the advice of the Commissioners, should have the authority to discharge the securities, or such portion of them as might be deemed proper under the circumstances of the case; or perhaps they might be

allowed, upon application to the Chancellor, to settle up their own affairs under his direction.

But whatever plan should be adopted in detail to accomplish the object in view, a law for that purpose cannot be too strictly guarded to secure the public interest. Dormant rights of organized associations, cannot, consistently with the public weal, be permitted long to exist ; and the immense amount of real estate now under incumbrance for bank securities, is a matter of so much importance, as to require of the proper authorities an attention to the subject.

Should the proper provisions of law for this purpose be made, it is believed that many who are now interested in banks, would avail themselves of the privilege of closing the institutions under their control, without the opprobrium of public adverse proceedings, before a judicial tribunal.

Should the legislature, however, determine against the enactment of such a law, the Commissioners will deem it their duty, in all cases proper for such action, to apply for injunctions.

On an examination into the affairs of the bank of Washtenaw, the 14th day of December last, there were in bank, of the bills of the safety fund banks of this state under injunctions, the amount of \$14,007. It also appeared that the sum of \$6,288 75, in like funds, was lately disposed of to Olney Hawkins, in the purchase of a mortgage certificate of sale, making the large amount of \$20,295 77, in uncurrent funds, now, or late in the possession of the bank, most of which have been received since the 16th of July last. It also appeared that large amounts of the same depreciated currency, had, in the mean time, been used by the bank, in payment of its notes, and in the discharge of its other liabilities. It appearing also before the Commissioner, that one of the officers of that bank had been engaged in purchasing such notes at a depreciated value, and had made his deposits in the Bank of Washtenaw, and that he had used in the payment of his own debts, some of the proper resources of the bank, a bill in chancery was filed, charging improper conduct on the part of the officers, and apprehended insolvency of the institution.

The bank had moreover failed, as was alleged, to pay its notes on demand, or within sixty days thereafter. Immediately before the service of the injunction, to wit, on the 7th January, instant, the Commissioner again visited the bank, for the purpose of making an examination into its condition, but such examination was refused.

There are, also, other violations of the law, and other instances of improper conduct, on the part of the officers, which are fully set forth in the bill.

At the time of the last report, a negotiation was in progress by this bank, to effect a loan, to enable it to redeem its circulation ;

and hopes were entertained that it might be able to accomplish so desirable an object. Twenty thousand dollars were obtained by the bank, about ten thousand of which were used to pay drafts and its paper in another bank. The remaining ten thousand seems to have afforded little or no relief in paying its circulation, or in restoring the credit of the institution. The circulation of the bank is now about forty-eight thousand dollars.

The history of banking, and an examination of the conflicting opinions which are maintained upon the subject of currency, would require a volume, rather than the limits of an ordinary report. But the internal energies and resources of a new country, in their constant exercise and developement, so soon shake off the consequences, and obliterate the sense of disaster and distress, that more reflection seems heretofore to have been bestowed upon temporary expedients, than upon that thorough investigation of the subject, which would lead to a permanent remedy against the recurrence of similar evils.

Standing as Michigan does, upon the ruins of her credit and currency, it behooves her to carefully examine the causes, which have precipitated to almost entire destruction, the edifice so lately erected, and by the light of other examples, and her own experience, to rear upon a safer and surer foundation, that which her present condition calls upon her to establish.

In aid of this object, a brief retrospect of the operation and consequences of her present system, may not be deemed unprofitable.

On the 15th day of March, 1837, the act popularly entitled the general banking law, was passed, upon the plausible principle of introducing a free competition, into what was considered a profitable branch of business, heretofore monopolized by a few favored corporations. In little more than one year, forty-nine banks were organized, with a nominal capital of \$3,915,000, and about forty went into actual operation, under its provisions. These institutions professed to have an actual and available capital, of \$1,745,000; 30 per centum of the nominal capital being presumed to have been paid in, according to law, in gold and silver; they were authorized to issue and put into circulation, bank bills, to the sum of \$4,362,500, being twice and a half the amount of capital paid in and possessed. The feature of the act which authorized banking under the suspension law, that is to say, giving the sanction of law to the issue of promises to pay, not liable to redemption in gold and silver on demand, gave an irresistible impulse to their career, by opening the door for the debtor to liquidate his liabilities by transferring to the public at large his indebtedness to individuals. The result is well known, and it is believed; that it is not too strong language to assert, that no species of fraud, and evasion of

law, which the ingenuity of dishonest corporations has ever devised, have not been practised under this act.

The loan of specie from established corporations, became an ordinary traffic, and the same money, set in motion a number of institutions. Specie certificates, verified by oath, were every where exhibited, although these very certificates had been cancelled at the moment of their creation, by a draft for a similar amount, and yet such subterfuges were pertinaciously insisted upon, as fair business transactions, sanctioned by custom and precedent. Stock notes were given, for subscriptions to stock, and counted as specie, and thus not a cent of real capital actually existed, beyond the small sums paid in by the upright and unsuspecting farmer and mechanic, whose little savings and honest name, were necessary to give confidence and credit. The notes of institutions thus constituted, were spread abroad upon the community, in every manner, and through every possible channel; property, produce, stock, farming utensils, every thing which the people of the country were tempted by advanced prices to dispose of, were purchased and paid for in paper, which was known by the utterers, to be absolutely valueless. Large amounts of notes were hypothecated for small advances, or loans of specie, to save appearances. Quantities of paper were drawn out by exchange checks, that is to say, checked out of the banks, by individuals who had not a cent in bank, with no security, beyond the verbal understanding, that notes of other banks should be returned, at some future time. Such are a few, among the numberless frauds, which were in hourly commission. Thus a law which was established upon principles well digested and approved, and hedged round with so much care, and guarded with so many provisions, that few, it was supposed, would venture to bank under it, became, by the base dishonesty and gross cupidity of a few, who had the control of the specie of the country, nothing less than a machine of fraud.

The singular spectacle was presented, of the officers of the state, seeking for banks in situations the most inaccessible and remote from trade, and finding at every step, an increase of labor, by the discovery of new and unknown organizations. Before they could be arrested, the mischief was done; large issues were in circulation, and no adequate remedy for the evil. Gold and silver flew about the country with the celerity of magic; its sound was heard in the depths of the forest, yet, like the wind, one knew not whence it came or whither it was going. Such were a few of the difficulties against which the Commissioners had to contend. The vigilance of a regiment of them would have been scarcely adequate, against the host of bank emissaries, which scoured the country to anticipate their coming, and the indefatigable spies which hung upon their path, to which may be added perjuries, familiar as dicers' oaths, to baffle investigation.

Painful and disgusting as the picture appears, it is neither colored nor overcharged, and falls far short of the reality.

The result of the experiment of free banking in Michigan, is, that at a low estimate, near a million of dollars of the notes of insolvent banks are due and unavailable, in the hands of individuals.

It has been said, with some appearance of plausibility, that these banks have at least had the good effect of liquidating a large amount of debt. This may be true—but whose debts have they liquidated? Those of the crafty and the speculative, and by whom? Let every poor man, from his little clearing and log hut in the woods, make the emphatic response, by holding up to view, as the rewards of his labor, a handful of promises to pay, which, for his purposes, are as valueless as a handful of the dry leaves at his feet. Were this the extent of the evil, the indomitable energy and spirit of our population, who have so manfully endured it, would redeem the injury. But when it is considered how much injury is inflicted at home, by the sacrifice of many valuable farms, and the stain upon the credit of the state abroad, the remedy is neither so easy nor so obvious. When we reflect, too, that the laws are ineffective in punishing the successful swindler, and that the moral tone of society seems so far sunk as to surround and protect the dishonest and fraudulent with countenance and support, it imperatively demands that some legislative action should be had, to enable the prompt and rigorous enforcement of the laws, and the making severe examples of the guilty, no matter how protected and countenanced.

The difficulties and embarrassments which have grown out of this state of things, is exciting an endeavor in many who have become entangled in these institutions, to avoid the liabilities they have incurred, and induces the perpetration of acts and subterfuges, which, under other circumstances, they would have loathed and rejected with contempt. So far has this been carried, that men upon whose character and credit institutions had obtained confidence, have used every device to shift their responsibility, indifferent into whose hands or control the institution should fall, provided they themselves were indemnified—careless of the rights and interests of those who embarked in the enterprise, or received the bills on their faith and credit. So that the singular exhibition has been made of banks passing from hand to hand, like a species of merchandize, each successive purchaser less conscientious than the preceding, and resorting to the most desperate measures for reimbursement on his speculation.

The chief difficulty which presented itself for the exercise of a discretion on the part of the Commissioners, was the consideration how far it was compatible with the public interests that the errors and informalities of the original organization and manage-

ment of a bank should be overlooked, provided it should justify a reasonable lenity by promptly furnishing the additional securities required by the amended act, correcting the existing abuses, and making satisfactory arrangements for the redemption of its circulation and the ultimate payment of all liabilities.

It is believed that the course adopted, after anxious and mature deliberation, of allowing banks an opportunity to make themselves sound, where a proper spirit was displayed to do so, has saved large sums to the bill holders, which would have otherwise been lost by the sudden winding up of such institutions. The difference between the circulation at the commencement of their labors and the present time, is a sufficient evidence of the prudence and advantage of this policy adopted by the Commissioners. Such banks as have not shown an ability to redeem their bills, or a disposition to make the proper effort so to do, have been promptly enjoined. The Commissioners deem it an act of strict justice to declare that those institutions which have sustained themselves with honor and credit amid so many temptations and examples of fraud, have certainly given a guarantee of character and ability which should remove, from them at least, all general imputations, and entitles them to the applause and confidence of the people of Michigan.

Some amendment is undoubtedly necessary, and is earnestly recommended, to enable a more summary and speedy winding up of the affairs of those institutions now under injunction, and for making available, as early as practicable, their assets and securities. Under the present law, the order in which the means and securities are to be realized and exhausted, will protract the payment of their liabilities to an indefinite period, and make them utterly useless to the great body of the bill holders, whose daily necessities compel them to sell at an enormous loss. The banks themselves, through their agents, are thus enabled to buy up their circulation at an immense depreciation, and their debtors to pay their liabilities in the notes of banks, purchased at a great discount.

The daily advertisements for the purchase of safety fund notes in exchange for land and goods, and the placards every where to be seen in the windows of merchants and brokers, is a sufficient argument for the necessity of the measure proposed.

Many worthy men, with the most upright intentions, have become involved in these institutions, and are willing to make every personal sacrifice to maintain their honor and character. With no knowledge whatever of banking business, they have become entangled, either through false notions on the subject, arising from ignorance—or by the dishonesty of their agents and associates. There are other institutions, organized by honest men, who, warned by the examples around them, have refused to proceed, and

no business has been transacted. Their property, however, is encumbered by the furnishing of the securities required by law. These cases, as before suggested, should be met by some legislative provision, which would afford a means by which their securities might be released without the expenses of an injunction. A process which would compel the surrender of the corporate privileges of such banks as have not advanced beyond organization, should be devised, lest at some future period, when our present calamities are forgotten, they may commence operations in less scrupulous hands.

There is a subject, not heretofore adverted to, which seems to merit a passing consideration. Several of the institutions chartered by the state are owned in other states, and in one instance, notes are issued stamped payable abroad, and almost its entire capital and circulation is used without the limits of this state.

That this practice is not likely to decrease, may be shown by the fact that since the establishment of the new banking system of the state of New York, the control of the charters of other banks, without that state, is sought for with a view to the benefit of an increase of circulation, by the use of foreign bills payable at their counters, the circulation of their own notes being limited, and under the restriction of the Comptroller. Thus it will appear, that corporate powers and privileges have been granted, not for the benefit of our own citizens, but for those of other states. Our credit is in effect loaned for operations elsewhere, which, if unsuccessful, and the institutions fail, will fix a stain upon the character of our paper greatly to the injury of the credit of the state. Whilst every encouragement which the most liberal policy can suggest, should be held out to induce the introduction of foreign capital, it is equally important that the honor and credit of the state should not be left liable to jeopardy, with no commensurate profit or advantage.

Notwithstanding the disastrous effects of the general banking law, there are still to be found among intelligent men, strenuous supporters of the policy of the system. This may arise from the natural indisposition to desert preconceived opinions, especially if rooted in the mind by a strenuous advocacy, or from the false application of a just principle. The principle upon which the system was founded was the plausible one of free banking, throwing open, as was contended, to the whole community, a competition in a profitable branch of business, heretofore confined to the larger capitalist. Let us examine the application of the principle, which, as stated, claims the ground of the establishment of equal rights in banking.

The advocates of the scheme will not deny that capital is necessary to legitimate banking. If this be admitted, the system merely combines the minor capitalists with corporate powers and

exclusive privileges. And in what manner is this freedom accorded to minor capitalists? Their associated wealth is not placed upon a footing of equality with that of previously existing corporations. To their actual capital paid in, in gold and silver, they must add real estate securities to treble the amount they are liable to become indebted; and to these, a personal liability beyond the amount of their stock. And this is denominated the establishment of equal rights and free competition in banking. Is it not rather analagous in principle to a trade loaded with excessive duties, and in effect, a stimulant to fraud and violation of law. If this is not plain, is it not undeniably evident that the system inevitably tends to associate all the capital of the country, with exclusive powers and privileges, not enjoyed or exercised by those who have no possessions or capital beyond their industry and labor? Instead, therefore, of protecting equal rights, is it not giving combination and permanency to associated wealth?

In support of this view, is the reasoning of a distinguished writer on finance.

"A reform will not be accomplished in banking, as some suppose, by granting charters to all who apply for them. It would be as rational to abolish a political aristocracy, by multiplying the number of nobles. The one experiment has been tried in Germany, the other in Rhode Island. Competition in that which is essentially good, in farming, in manufactures, and in regular commerce, is productive of benefit; but competition in that which is essentially evil, may not be desirable. No one has yet proposed to put an end to gambling by giving to every man the privilege of opening a gambling house."

It is not thought necessary here to enter into an inquiry of the defects of the banking system of the United States, which in almost every state in the union has, at different times, thrown its affairs into disorder, paralyzed its industry, destroyed for a time, its enterprize, and produced almost universal oppression, distress, and bankruptcy.

That the state of Michigan will avoid the consequences of similar errors, without the early adoption of some remedial measure, is scarcely to be expected.

The question is, how the emergency shall be met, and the door of escape opened, by a timely and prudent forecast.

As long as the control of the cash and credit of the community, is in the hands of individuals, rendered irresponsible to moral influence, by their corporate capacity, with the temptation and power to acquire wealth at the expense of the community, by a contraction and expansion of paper issues, so long fluctuations in the value of this substitute for money will exist, and the consequent variation in the prices of property and labor, so disastrous to the many, and so beneficial to the few, will inevitably occur.

The effect of excess and contraction of the circulation of bank paper, is almost identical with that of an adulteration of the current coin.

The power to vary the standard value of coin, would not be endured for a moment, and yet the granting to corporations, the exclusive authority, and unrestrained opportunity of creating paper money, in effect, sanctions and encourages the exercise of a similar power. In vain has the constitution reserved the coinage of money to the general government, so long as numerous corporations can unsettle the measure of value by the substitution of paper for coin. The very object of the constitution is violated by this introduction of new standards and measures of value, liable to the fluctuations of accident and design.

It is but proper to remark that a difference of opinion exists among the undersigned in the foregoing view taken of this system.

If it be true, as maintained by an able writer on currency, "that it is the public credit that supports the banks, and not the banks which support public credit, as the deposits are the property of the community generally, and as the profits derived from circulation, come from the community generally, they ought to go to the community generally and be used (if used at all,) to lighten taxation;" "and if the policy of permitting private companies to enjoy all the advantages of supplying a country with paper money," is not only of doubtful expediency, but from past and present experience, evidently dangerous and liable to shameful and destructive abuses, the policy of supplying and regulating the circulating medium, (a power which is incident to sovereignty, and should never have been surrendered,) by the establishment of a state institution, under the control of the state itself, is perfectly evident, and to this conclusion all the states seem rapidly approaching.

With this conviction, the Commissioners deem it not inconsistent with the scope of their duties, earnestly to recommend the repeal of the general banking law, and to express an union of sentiments, in the recommendation by the Executive of a state institution, under the control of the state itself, to be subject at all times to the most rigid scrutiny, and to the strictest guards against the tendency of banks to lend too much, and put too many notes in circulation, the fruitful source of so many evils. The propriety is respectfully suggested, of taking into consideration the abolishing, either gradually or at once, of all issues under the denomination of at least five dollars. All experience proves that the wages of labor are the first to suffer, and the last to benefit by changes in the value of money. The laboring classes, therefore, who, from various causes, are least able to protect themselves, should, as far as practicable, be protected in the character of the money they receive. The measures suggested would tend to

make the wages of the daily laborer payable in real money, and protect the poor man from the losses which so unequally and heavily fall upon him, by the changes and fluctuations in the value of a paper currency.

All which is respectfully submitted.

K. PRITCHETTE,

A. FELCH,

D. V. BELL,

Bank Commissioners.

DOCUMENTS.

(A.)

*Report of the condition of the banks in the first judicial circuit,
July, 1838.*

To his Excellency, STEVENS T. MASON, *Governor of Michigan.*

The undersigned has the honor to report the condition of the several institutions created under the general banking law, within the limits of the first judicial circuit, in a tabular statement herewith annexed.

This opportunity is taken further to report, that the Bank of Gibraltar, and the Farmers' Bank of Oakland, having neglected and refused to furnish the securities required by the sixth and thirty-sixth sections of the amendatory act of December 30th, 1837, applications were made for injunctions against the same. The Chancellor has complied with the applications, so far as to restrain these institutions from all further proceedings, except such as may be necessary in the redemption of their bills and the final settlement of their affairs. The discretion exercised by the Chancellor, relieves the undersigned from any further responsibility touching these institutions.

Injunctions have also been obtained against the Bank of Kensington, and the Farmers' and Mechanics' Bank of Pontiac. At a previous examination of the first named institution, by A. Felch, Esq., the Commissioner was furnished with a false statement, sworn to as accurate by the former officers of the institution. The books appear to have been kept with a view to this deception, by false or imperfect entries of the transactions of the bank. The undersigned found it impracticable to obtain any accurate knowledge of the condition of its affairs, but sufficient was developed to exhibit most shameful mismanagement, if not fraud, and the entire insolvency of the bank. An injunction was accordingly obtained, and Kinsley S. Bingham, Esq., appointed receiver.

The Farmers' and Mechanics' Bank of Pontiac, presented a more favorable exhibit in point of solvency, but the undersigned having satisfactorily informed himself that a large proportion of the specie exhibited to the Commissioners, at a previous examination, as the bona fide property of the bank, under the oath of the cashier, had been borrowed for the purpose of exhibition and deception; that the sum of ten thousand dollars, which had been issued for "exchange purposes," had not been entered on the books of the bank, reckoned among its circulation, or explained to the Commissioners; and likewise, that a considerable debt due to the state, through a loan made by the Commissioner of internal improvement, James B. Hunt, Esq., was denied by the bank to be due from it, but insisted upon as the debt of the cashier, together with other circumstances calculated to impair all confidence in its statements, it was considered by the undersigned due to the public interest to close the door against further violations of law. An application for an injunction was made, which was granted, and William Draper, Esq., appointed receiver.

An injunction was granted, some time since, against the Wayne county bank. This bank had gone into operation in direct violation of law; the per centage on the capital stock, as required by the statute, having never been paid in according to law. The institution having made considerable issues, which it could not redeem, was entirely insolvent. The service of this injunction was withheld by the Attorney General in the exercise of his discretion: it has since been served, and A. H. Buel, Esq., appointed receiver.

The undersigned has to express his regret at being compelled to report that the additional securities, required by the act of December 30, 1837, have not all been perfected. Every exertion has been made by the Commissioner to effect a compliance with this important provision of the law. Considerable embarrassment and difficulty have undoubtedly been incident to the performance of this requirement, but when it is reflected that more than six months beyond the period allowed by law has elapsed, the neglect is inexcusable. Nevertheless, the spirit of the law having been complied with, in the majority of instances, the principal defect in the securities, arising from a difference of opinion between the banks and the Commissioner, upon the mode and evidence of the appraisement required by law, and every disposition being displayed of complying with the wishes of the Commissioner, no detriment is likely to result to the public.

The only bank in operation whose securities have not yet been placed in the hands of the Auditor General, are those of the Detroit city bank. The Commissioner has, however, been repeatedly assured by the cashier of that institution that they are in process of speedy completion.

It is due to the institutions in operation, within the limits above mentioned, to state that they have made very commendable exertions to withdraw all excess of issues from circulation, and to reduce their liabilities to the utmost of their ability. The payment of specie, without an exception, it is believed, was resumed at the date required by law, and is, in most instances, continued, notwithstanding the destructive drain upon their vaults, growing out of the embarrassments of the times, and the imperfect confidence in bank bills.

It is hoped, however, that a prudent course on the part of these institutions, will restore the public faith, and justify the expectations of the friends of the system.

All which is respectfully submitted.

KINTZING PRITCHETTE, *Bank Commissioner.*

(B.)

Report of the affairs and condition of the several banks within the limits of the second judicial circuit of Michigan, September, 1838.

To his Excellency STEVENS T. MASON, *Governor of Michigan.*

The undersigned having, again, agreeably to the requisitions of law, completed his examination of all the banks more immediately under his supervision, takes occasion to report to your excellency the result of the same.

In a tabular statement hereto appended, will be found an exhibit of the condition of the several banks now in operation in the second judicial circuit of this state. The date of the last examination, when the statements were made by the officers of the several institutions respectively, is therein given. From repeated investigations, and from the answers given by such officers, at different times, to interrogatories propounded to them by the Commissioners, it is believed that reliance may be placed in the information contained in the exhibit.

The Merchants' and Mechanics' bank of the city of Monroe; the Miller's bank of Washtenaw; the Huron river bank; the Detroit and St. Joseph railroad bank, and the Merchants' bank of Jackson county, have respectively complied with the provision of law requiring them to execute and file bonds and mortgages on unincumbered real estate for the final security of all the creditors of the institution. The Bank of Manchester and the Bank of Superior have not yet completed their securities, although property has been appraised by the regular officers, to an amount sufficient for the purpose, and papers have been executed and recorded to an amount amply sufficient to cover all present responsibilities.

The labor of examining and perfecting title deeds has necessarily caused much delay. It is believed, however, that in a few days the institutions last named will have their securities filed in the Auditor's office, in strict and literal compliance with the provisions of the statute.

Such, during the last few months, has been the condition of our exchanges, and such the want of confidence in the moneyed institutions of the west, that the notes of our banks have been constantly flowing in for redemption. Unable, under existing circumstances, to extend their business, or to afford facilities to business men, they have been compelled to use every exertion to preserve their credit, by meeting promptly every demand of the billholder and creditor. It affords pleasure to the undersigned to be able to state that the banks of the second circuit of this state, (a list of which is given in the statement above referred to,) meet promptly their paper, when presented at their counters, in specie or some satisfactory equivalent. The bank of Washtenaw is an exception to this remark. The undersigned has, however, reason to believe that a loan has been effected by that institution, which will enable them, within a few days, to redeem their paper agreeably to the provisions of their charter.

The Bank of Manchester, for some time past, has been engaged solely in redeeming its circulation. By the statement made by the former cashier, A. G. Irwin, previous to the last report of the condition of the bank, it appeared that the circulation was \$34,000. It was, however, afterwards ascertained that there were in the hands of certain individuals, without security, bills of the bank to the amount of \$73,334, making a total amount of bills out \$107,334.

Security was promptly obtained for the amount thus improperly advanced by the cashier, and that officer removed from the bank. Much credit is due to the Messrs. Fargo, of Manchester, for their exertions and promptness in seconding the endeavors of the public officers in securing the interest of community, who held the bills of the bank. The circulation is now reduced to \$45,334. Under the management of its present officers, the institution is believed to be, in every respect, entitled to public confidence.

In accordance with the provisions of an amendment to the general banking law, passed December 30th, 1837, the undersigned has endorsed, officially, bills of the following banks, to wit:

Merchants' and Mechanics' bank of the city of Monroe,	\$700
Millers' bank of Washtenaw,	4,000
Huron river bank,	700
Detroit and St. Joseph railroad bank,	2,020
Merchants' bank of Jackson county,	4,241

A small portion only of the bills thus endorsed, have been put in circulation.

The issue of endorsed bills, contemplated by the banks above mentioned, was intended to supply, to a small extent, the circulating medium for transacting the flouring business of the state during the present autumn. The banks would receive therefor, eastern drafts and acceptances, which the miller and the merchant were enabled, upon the shipment of their flour, to give, and thus be able to sustain their circulation by obviating, to a certain extent, the difficulty arising from a constant demand for specie. During the severe pressure of the times for the last few months, the banks of the interior have suffered little from the demand for gold and silver, when eastern funds were at their command.

While large amounts have been due from our citizens to the merchants of the eastern cities, our resources and our industry have hitherto afforded limited means for the discharge of the responsibilities. The abundant crop which has the present season crowned the labors of the husbandman, has opened upon us a more cheering prospect in this regard. Extensive arrangements are made in almost every part of the state for the exportation of the surplus produce. It will be found sufficient to afford much immediate relief in pecuniary matters, and is an earnest of the time, we hope not far distant, when the debts due to the east will be discharged, and the exports of our state will exceed our imports; when increased activity will be given to the industry and productive labor of our citizens, and our banking institutions, founded on a permanent basis, and affording a safe circulating medium, for business purposes, will enjoy the confidence of community and facilitate their business operations.

Annexed is a table marked C, which exhibits the amount of circulation of the several banks in said circuit, as reported by the Commissioners on the 6th day of April last, and the amount on the day of the last examination. It shows a diminution of the circulation in the twelve banks now in operation in that circuit, of \$191,437. The table also exhibits the amount of specie in the several banks at the times above mentioned. The amount of bills in circulation is still constantly decreasing.

In a report made to the House of Representatives of this state, on the 6th day of April last, it was stated that upon the application of the Bank Commissioners, injunctions had been issued against the Farmers' bank of Sandstone, and the Jackson county bank, both located within the second circuit. Since that time, Amasa Gibson, Esq., of Jackson, has been duly appointed receiver, and is actively engaged in settling the concerns of those institutions under the direction of the Chancellor.

The undersigned has found it his painful duty, since the report last mentioned, after repeated visits and examinations, to apply to

the Chancellor for injunctions against the following banks, in said circuit, viz :

The Lenawee county bank,
The Bank of Brest,
The Bank of Clinton,
The Bank of Saline, and
The Farmers' bank of Sharon.

LENAWEE COUNTY BANK.

Immediately after the organization of this bank, on or about the 30th day of December last, the sum of \$30,000, which was paid in on the capital stock, was refunded, and the promissory note of one of the stockholders, residing in the state of Ohio, with endorsers, was taken for the amount; bills of the bank were at the same time put into circulation.

At an examination made on the 16th day of April last, the statement of the officers of the bank, and the entries upon the books, exhibited a circulation of \$13,210; but upon strict inquiry and investigation, it was ascertained that the sum of six thousand two hundred dollars, or thereabout, was in the hands of two individuals for exchange purposes, which was not entered on the books of the bank, among the issues, and for which no charge of indebtedness was made to any individual, nor security taken. The cashier expressly denied that any other amount had thus been advanced to individuals.

By an act of the legislature, at the last session, this bank was permitted to reduce its capital stock from one hundred thousand to fifty thousand dollars. After the passage of this act, and without a vote of the directors, or other formal proceeding, so far as could be ascertained on examination, his promissory notes, to the amount of fifteen thousand dollars, were given up to Edward Bissell, a debtor of the bank and one of the stockholders. This was intended, as it was explained by the cashier, to be a withdrawal of that amount from the thirty per cent paid in on the original capital stock, making a deduction corresponding with the reduced capital. No entries corresponding with this change and withdrawal were however made on the books of the bank. The whole amount of specie in bank on the day of the last examination, was ninety-two dollars and seventy-five cents.

At another examination by the undersigned, on the day of the service of the injunction, to wit, on the 21st of June last, it appeared that there had been for some time in the hands of Edward Bissell, of Toledo, for exchange purposes, bills of the bank to the amount of \$18,000, and in the hands of Charles H. McClure, bills amounting to \$6,500. No minutes of these transactions appeared upon the books, nor among the papers of the bank, at any previous examination. It appeared that receipts had been

taken for the amounts, by the cashier, Frederick E. Whiting, but the whole transaction had been concealed from the knowledge of the Commissioner. It is due to the president to say that he denied all knowledge of the transaction. Promissory notes have been obtained for the two last mentioned sums. Specie in bank was only \$34 20.

From the imperfect manner in which the books and papers of the bank had been kept, and the fact that little confidence could be placed in the entries there made, it was found difficult to ascertain the actual amount of the assets and liabilities of the institution. The books exhibited, at the time last mentioned, the circulation of the bank at \$22,642. The amount actually in circulation, however, must have been about \$42,363. Discounted paper in bank amounts to about the same sum as the circulation. There had also been violations of the provisions of law in other particulars, not above mentioned.

Securities by bonds and mortgages on real estate, were given to an amount to ensure, it is confidently believed, the final discharge of all the liabilities. is appointed receiver.

BANK OF BREST.

This bank was examined by the undersigned, on the second day of August last, when the following statement of the resources and liabilities was given under oath, by one its officers.

Resources.

Discounted bills,	\$70,537 68
Loans on bonds, &c.,	16,000 00
Bank stock,	10,000 00
Due from other banks,	5,762 76
Eastern exchange,	8,150 00
Notes of other banks,	5,816 00
Cash items, and overdrafts,	3,193 74
Banking-house,	1,711 63
Personal property,	402 26
Expense,	2,880 79
State tax and safety fund,	150 00
Bills in transitu,	516 00
Specie,	12,900 92
	<hr/>
	\$138,023 78

Liabilities.

Capital stock,	\$50,000 00
Circulation,	39,425 00
Due banks, &c.,	23,284 00
Deposites,	11,253 56

payable on time,
Profit and loss,

8,862 00
5,099 22

\$138,023 78

For the specie specified in said statement, there was exhibited an individual's receipt for \$2,000 00

An accepted check on the Farmers' and Mechanics' bank,

1,146 00

Gold and silver,

9,754 92

\$12,900 92

Of this amount, it was stated by the cashier, that the sum of two thousand dollars, in silver, had been in the bank about six weeks, and that the sum of \$7,497 in gold, was received the day before said examination. It was paid in by Lewis Godard, and was passed to his credit on a small book containing an entry to said Godard's name of an "exchange account."

On the eleventh day of August last, another examination was made by the undersigned at the banking house of said institution. The specie of the bank was found reduced to the sum of \$138 89. The accepted check above mentioned had also been disposed of.

It appeared by a reference to the records of the proceedings of the board of directors, that at a meeting of the board, held on the fourth day of August, a resolution was adopted authorizing a loan to Lewis Godard of \$7,500, and on the same day, his note, at ninety days, with endorsers, was accordingly discounted, and the amount given in bills of said bank. Immediately after the discount was made, the bills thus paid out were presented by another individual at the counter of the bank and redeemed in specie. It was admitted by the president that, at the time of making the discount, he did understand that said bills were to be presented for the specie.

The amount of specie disposed of between the examination on the 2d and that on the 11th August, including the accepted check, was as follows :

In the redemption of bills as aforesaid,	\$7,500
Taken to Detroit by cashier,	1,000
To Lewis Godard, on certificate of specie deposit,	2,000

Total,

10,500

which, with some small amounts paid in redeeming bills, reduced the amount of specie to said sum of \$138 89.

By reference to the above statement, there will be seen an item of \$16,000 for a "loan on bond and mortgage." At the examination, on the 2d day of August, it appeared that a loan of that amount had been made to the trustees of the town of Brest, to secure which the bank received an assignment of two bonds

executed by Lewis Godard, for the sum of \$35,400, payable in one, two, and three years, and also of mortgages of one hundred and eighteen village lots in Brest, accompanying said bonds. At the meeting of the directors above mentioned, the following resolution, in reference to one of said mortgages, was adopted, viz :

Resolved, That a mortgage bearing date 15th June, 1838, assigned by the Brest company, to the Bank of Brest, on the 28th day of June, 1839, the amount of which is \$12,200, the same to be assigned to the Brest company, by the Bank of Brest, as they have received nothing from the bank for the same.

The re-assignment was gratuitously executed by the bank in accordance with said resolution.

The circulation of the bank, as appears by the above statement, was, on the second day of August, \$39,425. It appeared, however, by examination of an entry, on a small book, that there had been advanced to Lewis Godard, on "exchange account," at three several times, bills of said bank to the amount of \$27,818

There was credited to him the specie above mentioned, 7,497

Leaving balance in his hands, \$19,816

There had also been issued by the bank and sent to Lyman A. Spalding, of Lockport, in the state of New York, bills to the amount of \$25,000. An arrangement was entered into with Mr. Spalding, to accept drafts of the bank to that amount, and the bills above mentioned were placed in his hands, it was stated by the cashier, as collateral security to him. It was, moreover, declared that they were not to be put into circulation by him. It further appeared that the bank had drawn on said Spalding to an amount nearly equal to the sum in his hands. Some of the drafts upon him have been paid, and others protested. These bills of the bank, in the hands of Mr. Spalding, and also those in the hands of Mr. Godard, were not included in the statement of the circulation.

The whole amount of bills of the bank, out on the 11th August, was, therefore, as follows :

Circulation, as per statement,	\$39,425
In possession of L. A. Spalding,	25,000
Advances for exchange to L. Godard,	19,816
	<hr/>
	\$84,241

At a meeting of the directors, held as aforesaid, on the 4th of August, the following resolution was adopted :

Resolved, That the president and cashier be authorized to issue post notes of the bank, payable twelve months after date, at the Phoenix bank, in the city of New York, bearing interest at seven per cent per annum, for the purpose of raising funds to pay drafts which had been drawn by the bank.

In accordance with said resolution, post notes were issued on the same day. They were sent to Lockport, as the president declared, for the purpose of having them exchanged for the notes of the bank, in his hands, as before stated. They were to receive the endorsement of certain individuals, as a guaranty for their final payment. The issuing of post notes by banks subject to the provisions of "an act to create a fund for the benefit of certain moneyed corporations, and for other purposes," is in direct violation of said act.

The facts above stated, exhibiting important changes in the condition of the bank, within a very short period; the doubtful character of a portion of its assets, under the denomination of "notes of other banks;" the failure to comply with the provisions of the amendatory act, requiring certain securities to be filed; and the character of some of the transactions of its officers, were such as to render an application to the Chancellor, for an injunction against the institution, imperative.

After such an application had been made, and before the service of process, the bank, by a vote of the board of directors, assigned all its property and effects to Alexander D. Fraser, Esq., of Detroit, for the benefit of the creditors of the institution. At a hearing subsequently had before the Chancellor, on motion to appoint a receiver, the validity of said assignment underwent discussion, and it was the opinion of the Chancellor that it was not competent for a board of directors, for the purpose of closing the affairs of a bank, thus to assign, and that such an assignment, with the object above mentioned, must be considered against the general policy of the laws of this state, and consequently, invalid. The motion to appoint a receiver was granted. The appointment has not yet been made.

Although the bank has failed to comply fully with the provisions of the statute relative to securities, yet bonds and mortgages to a large amount, on unincumbered real estate, have been executed and filed; and the undersigned has no hesitation in saying, that the bill holders and other creditors of the bank, will be paid the full amount of their claims.

BANK OF CANTON.

This bank was organized under a charter granted by the legislature in March, 1836.

An examination of the affairs of this institution was made by the undersigned, on the 30th day of July last, when the following statement of its affairs and condition was given by the cashier :

Resources.

Bills discounted,	\$54,045 01
Loans, stock security,	16,000 00
Other loans,	4,000 00
Expense,	2,744 58

Due from other banks,	8,984 98
" corporations,	11,154 48
Funds in Detroit,	7,750 00
" Buffalo,	8,788 78
" New York,	12,197 28
" Ohio,	18,087 28
Specie on hand,	11,029 86
Available bank notes,	11,054 00
	<hr/>
	\$157,353 65

Liabilities.

Capital stock,	\$50,000 00
Circulation,	78,200 00
Notes in transitu,	12,000 00
Discount and exchange,	6,438 40
Due other banks,	4,189 50
Certificates,	4,043 89
Deposites,	7,581 86
	<hr/>
	\$157,353 65

Another examination was made on the 17th day of August last. It then appeared that the day succeeding the prior examination, to wit: on the 31st day of July, the sum of \$7,500 in gold, a part of the specie of said bank exhibited to the Commissioners, had been withdrawn and delivered to Chas. H. McClure, late cashier of said bank, and a receipt, of which the following is a copy, was left in the bank:

"Received of Bank of Clinton, seven thousand five hundred dollars in gold, which I agree to see returned in same coin, or in silver, without unnecessary delay.

C. H. MCCLURE.

Clinton, July 31, 1888."

The specie was taken by said McClure to Detroit, on the day last mentioned, and delivered to Lewis Godard, who gave his receipt for the same. The whole amount of specie remaining in bank at the time of said last examination was about \$3,300.

A loan had been made by the bank, as appeared on such examination, of \$16,000, to Jira Payne and Charles H. McClure, directors of the bank, for which two certificates of stock in the "Miners' Bank" of Dubuque, for one hundred and sixty shares each, were hypothecated. No entry of said loan could be found on the books of the bank, and no evidence of debt was given, other than the pledge of the certificates aforesaid. At the same time a loan had been made to said McClure of \$4,000, on his draft on "S. O. Martin, Esq., cashier, Dubuque," with endorsers. The "office notes in transitu," mentioned in the above statement, (\$12,000,) were said to be a part of the bills received on the two

last mentioned loans, to be deposited in the Bank of Wisconsin. No entry was made on the books of the issue of the \$20,000, the amount of said loans, in the bills of the bank.

It appeared, moreover, that the bank had violated the law in the amount of its circulation; in the amount loaned or discounted to directors, and in neglect to pay its notes when presented at its counter. The circulation of the bank, as exhibited by its books, was also much less than that exhibited by the statement. A portion of the resources of the bank were found to be of so doubtful a character as to warrant the fear that they would be unavailable in the discharge of its liabilities.

An injunction was allowed on the 20th August. A motion for the appointment of a receiver is still pending before the Chancellor.

BANK OF SALINE.

This bank was visited by the undersigned, and an examination of its condition made on the 14th day of July last, and on the 17th day of August last, the place of its location was again visited for the purpose of examining the affairs of the institution, when the banking house was found closed. The books, papers, property and effects, had that day been removed to Detroit. On the 31st day of August last, the undersigned examined, under oath, the president and one of the directors, relative to the affairs and condition of the same, and the transactions of its officers.

On the 16th day of August last, the board of directors adopted a resolution to assign all the property and effects of said bank to Alexander D. Fraser, Esq., of the city of Detroit, for the benefit of creditors. The assignment was made on the same day, and the property and effects delivered to him, on the day succeeding.

This course appears to have been taken by the directors at the suggestion of Abel Godard, one of their number, and was done in anticipation of proceedings being instituted against them by a public officer, and with the design of closing up the affairs of the association.

In the aforesaid examination of the president and one of the directors, it was stated that, on or about the fourth day of August last, post notes to the amount of \$20,000, or thereabout, were issued by said bank, payable at the Phoenix bank, in the city of New York, in one year from date, with interest, and were given to Lewis Godard for the purpose of transmitting them to Lyman A. Spalding. They were to be used for the negotiation of a loan. They were not endorsed by a Bank Commissioner.

It further appeared that, about four months previous to the examination, the sum of fifteen or twenty thousand dollars, in bills of said bank, were sent to said Spalding, in sealed packages, which, it was said, were to remain unopened, as collateral security for certain drafts to be drawn on said Spalding.

At the time of said assignment, there were in the hands of Lewis Godard, for exchange purposes, \$17,000 in bills of the bank, which were delivered to him agreeably to a vote of the directors in December last.

In the previous examination by the undersigned, nothing in the papers, books, or securities of the bank, were exhibited, indicating the two last mentioned instances of the disposition of its bills; and from strict examination of the immediate officers of the bank, under oath, nothing was disclosed of these transactions.

At the examination, on the 14th day of July last, the specie of the bank amounted to \$3,090 06. There was delivered over to Mr. Fraser, under the assignment, only \$60 in specie. On the day of the assignment, by vote of the directors, there was paid to one of their number, in redemption of the bills of the bank, \$800 in specie, and to another \$800 on account of deposits.

The securities of the bank, though not in compliance with the provisions of law, are sufficient to meet all responsibilities.

FARMERS' BANK OF SHARON.

The officers of this institution appear to have conducted its affairs with an anxious endeavor to comply with the provisions of the statute, and to sustain the credit of the bank. The constant presentation of its bills for redemption, had, however, on the 8th instant, nearly exhausted its specie and other immediate means of discharging its debts. Suits had been commenced against the bank, on its bills, and such, under the difficulties of present embarrassment, was the condition of their affairs, that it was deemed both politic and necessary to wind up its concerns. Of this the directors were themselves fully aware. The circulation is \$17,156.

The securities are not in accordance with the requisitions of law, yet an amount, more than equal to all liabilities, has been executed and recorded, and no loss can be sustained by the creditors.

The above statements exhibit some of the facts which induced proceedings, by injunctions, against the banks above named. The undersigned has been fully aware of the difficulties with which our institutions have had to contend, and it has been his endeavor not only to avoid throwing unnecessary embarrassments in the way, but by every means in his power to assist and induce them to arrange their affairs in such a manner as to deserve and secure the confidence of community.

At the same time, in accordance with his duty to the public, he has not hesitated to proceed against such institutions, as from improper or fraudulent conduct in the officers, or from insolvency or other cause, were undeserving of credit. The public must have the means of discriminating, and the line must be distinctly drawn between the good and the bad, the solvent and insolvent,

before the currency of Michigan, furnished by her own institutions, can afford a safe circulating medium.

The banks now in operation, within the limits aforesaid, the undersigned is happy to state, have generally exhibited much anxiety in endeavoring to comply with the provisions of law, to reduce their liabilities to the smallest possible amount, and by every means in their power to preserve, unimpaired, their credit. It affords pleasure to believe that these institutions are not only in a solvent condition, but that they will soon be able to extend business facilities to community, and to give a currency of undoubted character.

All of which is respectfully submitted.

ALPHEUS FELCH, *Bank Commissioner.*

Monroe, September 19, 1838.

(C.)

Report of the affairs and condition of the several banks within the limits of the third judicial circuit of Michigan, September, 1838.

To His Excellency STEPHENS T. MASON, Governor of Michigan :

The undersigned immediately after being notified of his appointment as Bank Commissioner, in the place of Tho's Fitzgerald, Esq., resigned, took the oath of office, and entered on the discharge of his duties.

Believing the public mind to be exceedingly anxious for correct information of the standing and condition of the banks generally, the undersigned has completed his tour of examination, with all possible expedition, consistent with a due regard to the proper and efficient discharge of his duties, the consequent labor attendant thereon, and the time naturally required in travelling over an extensive and inconveniently situated district.

The undersigned has now the honor herewith to transmit to your excellency, a statement showing the present condition of the several banks under the supervision of the Bank Commissioners, within the third judicial district.

Upon officially visiting the Berrien county bank, the undersigned found its operations suspended by his predecessor, Col. Fitzgerald.

On investigation of its affairs, with that gentleman, much was exhibited betraying either culpable mismanagement, or gross ignorance of banking.

Col. Fitzgerald, however, with the usual vigilance and promptitude characteristic of all his official acts, had, previous to my arrival, caused the arrest of some of the officers of the institu-

tion, under the provisions of the act of December 30th, 1837 ; and required of the proprietors to furnish real estate securities to a considerable amount, conditioned to be released on the entire re-organization of the bank, and its being placed on a sound and permanent basis, or suffer a forfeiture of the lands pledged, which, together with their assets in bank, individual responsibility, and the real estate security, given in conformity to law, must, in the worst event, be more than sufficient to satisfy and pay all their liabilities.

In this condition, after confirming a requisition made upon the directors, to place their money and effects beyond their control, and in the hands of persons in whom both Col. Fitzgerald and myself had unlimited confidence, I left them, and within the last few days have been informed by letter, from Col. Fitzgerald, that efforts are being made by them, to comply fully with the requirement aforesaid, and that they had since withdrawn several thousand dollars of their own bills from circulation.

The result of mature deliberations of both the undersigned and his predecessor, and of legal advice obtained, induced them to adopt and confirm the course taken with this bank, as the one most advisable under all circumstances connected, to protect and secure the public against loss.

The bank will either soon comply with the requisitions made, or an injunction will be applied for against them.

In the course of his investigations, the Commissioner, after reviewing the affairs of the St. Joseph county bank, deemed it proper to apply for an injunction against them, which has been granted. Although the business operations of this institution appear to have been conducted from the commencement, with propriety and fairness, they have decreased the amount of their circulation, since their last report, and have made zealous and laudable but ineffectual efforts to sustain themselves, yet the impoverished condition of the bank, demanded such a determination and result ; both of which were not only anticipated but desired by the directors of it, and had the law enabled them, would have voluntarily surrendered their effects and wound up.

As it is, the Commissioner considers the amount of their discounted paper alone, which is generally, if not entirely good, sufficient, with proper management in its collection, to pay all its liabilities to the public, and without recourse to its landed securities.

Against the Bank of Allegan, an application had been made for an injunction by Col. Fitzgerald, while in office, which the undersigned supposed had been granted and served, but on visiting that place, on his way to Singapore, found that no service of a writ had been made. The Attorney General, as the Commissioner is informed, from assurances having been given him

that the bank would, in a short time, be restored to a sound and legal condition, in his discretion withheld the application.

This action, on the part of his predecessor, the Commissioner deemed a supersedeas to any agency of his in the matter, and consequently made only sufficient examination into the affairs of the institution, to satisfy himself that in case of failure, its resources would probably pay all its liabilities.

The undersigned was officially called to visit and examine a new bank styled the "People's Bank of Grand River," which he did on the 7th of August last, and finding the institution in operation, without having complied with the important requirements of the law, but in direct violation of its provisions, immediately suspended its operations, by requiring to be put in possession of its moneys and effects, until the whole law should be complied with, or in default thereof, legal proceedings should be had against it.

The directors of the institution are said to be men of unblemished reputation, and it is probable that no fraud was intended, but that their course of operation was induced by an honest misconstruction of some of the important provisions of law.

The Coldwater bank, it will be observed, exhibits a very limited amount of cash resources wherewith to redeem and pay a large amount of circulation and deposits made with them; and the Commissioner would have felt it incumbent on him, in the ordinary discharge of his duties, to have applied for an injunction against them; but from statements of the officers of the bank, made under oath, and a thorough examination into all its affairs, he was induced to delay, at least for the present, such action, believing that under any contingency, the public interest would not suffer, but would, in all probability, be much better served by such determination than by any summary foreclosure. In explanation, it will be stated, that to meet their present exigencies, they are negotiating a loan with one of the New York state banks, on individual responsibility, which, if obtained, is designed and will be employed in the redemption of their circulation, and payment of their deposits. A more permanent source of relief, though somewhat more remote, will be afforded them, as they expect by making collections from the merchants and farmers, their debtors, in grain and flour, which the past abundant harvest will readily enable them to do, and at such prices as will afford a profitable competition in an eastern market, and thus enable them to collect their debts, and by the sale of these pledges, establish a credit at the east, subject to their drafts for such funds as are most valuable and needful to them. About a week since, the undersigned was advised by letter, dated August 24th, from the cashier of that bank, that the negotiation above referred to, had been made, and "would be carried into effect in about two weeks." The

bank is virtually inoperative at this time, excepting so far as their present means will enable them to redeem their circulation, pay depositors, or make collections; the Commissioner having required of them to subscribe an affidavit, in which they promised a suspension of all operations whereby their liabilities might be in any manner increased, until upon further investigation, he was satisfied of their ability to resume fully.

The undersigned takes this opportunity to say that he has great confidence in the integrity and honor of the president and other officers of the bank; that their assets are substantial, the united responsibilities of the directors very great, and their real estate securities ample and perfect; and from this combination of facts, constituting a guaranty to public security, he was induced to afford them an opportunity to sustain themselves, and thereby readily pay their debts, rather than close their operations by injunction and wind them up, under a process, though sure in its determination, yet naturally productive of delays and embarrassments to the public, and frequently of much loss in consequence thereof, to the bill holder and depositors.

Into the affairs of the Branch bank of Michigan, at Kalamazoo, the Commissioner was unable to make an examination, in consequence of the absence of the cashier at Detroit, and the indisposition of the person left in charge.

An examination into the condition of this institution, will be made as soon as practicable, and the result reported to your excellency immediately thereafter.

The payment of their tribute to the "safety-fund," has been by many of the banks neglected; but the importance of the requirement has been impressed, and its compliance insisted on, and assurances are given that all arrearages shall be paid, and the law strictly conformed to hereafter.

Most of the banks under the general banking law, have furnished the full amount of real estate securities, required by it; some have even exceeded their quota, while others have not fully complied with the law. The banks in default have invariably been required by the undersigned, to perfect their securities, as soon as the actual amount of deficiency can be ascertained from the Auditor General; and to this end, as well as to have correct and authentic information of the amounts and condition of the securities pledged by all the banks within the district, a letter has been addressed to that office, requesting to be furnished with a statement of that description.

A full and immediate compliance with the law, in this respect, has been promised by the banks, whose securities are now imperfect: and although in the present state, no injurious result to the public is apprehended, still it is important that the law should be

fully observed, and the Commissioner is determined to enforce it, to its extent.

All the banks within this district, except those in suspense, and under injunction, were at the time of their examination by the Commissioner, redeeming their bills in circulation, in specie or other funds satisfactory to the billholder, as he is informed and believes ; and it may here be noticed that since their resumption of specie payments, an average of one third the aggregate amount of their whole circulation, has been redeemed and withdrawn.

In conclusion, the undersigned begs leave to state, that he considers the present responsibilities and resources of the several banking institutions, now in operation, within this district, an abundant and ample guaranty for the payment of all their present liabilities to the public ; and although the cash resources of some of them are much diminished, owing to the constant draft upon them, produced by a combination of embarrassments, they have, notwithstanding, hitherto sustained themselves ; and it remains to be ascertained how long they may continue erect, and how far their common participation in the relief promised by the sale and exportation of our immense surplus crop, their ability in consequence, to make collections, and a reliance upon their own proper resources, will be productive of substantial benefit, of freedom from peculiar embarrassments, and a restoration of public confidence in their integrity and ability.

The Commissioner most respectfully submits the foregoing, and has the honor to be,

Your excellency's obedient servant,

DIGBY V. BELL,

Bank Commissioner.

Ionia, September 3d, 1838.

16

L

bank.		Specie in bank.		Stock in companies.		Value of real and personal estate, and other property not otherwise specified.		Deposits in other banks and agencies.		Total amount of resources.	
39	18	2193	23			2053	69	24519	31	17003	16
28	10	1251	07								

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(No. 15.)

Report of the Secretary of State, in relation to Salt Spring lands, &c.*To the Honorable KINSLEY S. BINGHAM,**Speaker of the House of Representatives :*

In compliance with a resolution of the House of Representatives, requesting the Secretary of State to inform the House what saline lands have been located and confirmed for the state, and what have been located and not confirmed ; and also whether the whole of the five sections granted to the state for the erection of public buildings have been located and confirmed, I respectfully submit the following report :

It is not made the duty of the Secretary of State to see to the location or confirmation of either the saline lands, or the lands granted to the state for the erection of public buildings ; nor is there any law requiring a description of such lands, when located and confirmed, to be filed in this office. A list of lands selected for such purposes is on file in this office ; but, for the reasons stated, he is unable to inform the House whether it does or does not include all of the lands selected and confirmed. All lands selected and confirmed, or selected only, for the purposes mentioned in the resolution of the House, of which there is any record in the office, will be found in the schedules hereto annexed.

Schedule A, contains a description of the saline lands that have been selected and confirmed ; schedule B, a description of the lands selected and confirmed for the erection of public buildings ; schedule C, a description of such saline lands and lands for the erection of public buildings as have been selected only.

All of which is respectfully submitted.

RANDOLPH MANNING,*Secretary of State.*

SCHEDULE A.

A schedule of lands selected and approved under the act of Congress approved June 23, 1836, for the use of salt springs, in Michigan.

	Parts of section.	Sec.	Township.		No. of acres.
Salt spring, No. 1.	On section,	9	1 S	8 E	640
	Reserved for the above, viz: sec.,	2			622 97
	(In Detroit land district.)	3			636 85
		4	7 N	14	631 51
		5			614 54
		12			640
Salt spring, No. 2.	S e 1-4 and s w 1-4 of section	3	3	14	320
	and n e 1-4 and w 1-4 of section	11			320
	Reserved for the above, viz: secs.,	8			640
	(In Detroit land district.)	9			640
		10	7	14	640
		15			640
		17			640
Salt spring, No. 3.	On section,	34	4	12	640
	Reserved for the above, viz: secs.,	11			640
	(In Detroit land district.)	14			640
		21			640
		22	7	14	640
		28			640
Salt spring, No. 4.	(In the Saginaw land district.)				
	On section	25	15 N	1 W	622 30
	Reserved for above, viz: e half of	23			320
	n half of	24			
	s e 1-4 of	24		}	503 02
	e frac of s w 1-4 of	24			
	entire	26			640
	n e 1-4 of	35	15	1	160
	n half of	36	15	1	320
	n half of	4	14	1 E	275 63
	w half of	28	15	1	268 56
	n 1-2 and s e 1-4 of	33	15	1	467 44
	w frac of n w frac'l 1-4 of	34	15	1	90 36
				acres	3753 11
	(In the Grand river land district.)				
Salt spring, No. 5.	On section	33	10 N	3 W	640
	Reserved for the above, viz: entire	34			640
	entire	35			640
	entire	26			640
	entire	27	10	3	640
	n 1-2 & e 1-2 s e 1-4 & w 1-2 s w 1-4	28	10	3	480
	w 1-2 of n w 1-4 and w 1-2 of s w 1-4	32	10	3	160
				acres	3840

	Parts of section.	Sec.	Township.		No. of acres.
Salt spring, No. 6.	(In Grand river land district.)				
	On section, entire	4	9 N	3 W	618 59
	Reserved for above, viz : entire	3	9	3	620 08
	entire	5	9	3	617 39
	w fractional half of	2	9	3	310 14
	entire	10	9	3	640
	e half of	9	9	3	320
	entire	8	9	3	640
					3766 20

SCHEDULE B.

A Schedule of lands selected and approved under the act of Congress, approved June 23, 1836, for the erection of Public Buildings, in Michigan.

Parts of section.	Sec.	Tow'p	Range	Quantity of acres.
(In the Kalamazoo land district.)				
Fractional south half west of St. Joseph,	15	8	17	225 22
do section,	23	8	17	216
East half of	27	7	17	280 95
Fractional north-west quarter,	35	7	17	89 95
			acres	812 12

SCHEDULE C.

Lands selected under the provisions of an act of Congress, approved June 3, 1836, by C. C. DOUGLASS, for State Buildings and Salt Springs, as appears by his letter, dated Detroit, December 19, 1837.

	Sec.	Tow'p	Range
For State Buildings.			
Entire,	24	7 N	12 W
Entire,	25	7	12
East half of	26	7	12
North east quarter of	35	7	12
Fractional	20	8	16
Fractional	28	10	17
East half of	23	7	12
For Salt Spring.			
Salt spring, entire,	8	6 N	12 W
Reserved for same; entire,	24	7	12
North half of	4	6	12
Entire,	33	7	12

(No. 16.)

**Memorial and resolutions relative to improvements,
&c. by the General Government in the State of
Michigan.**

*To the Honorable Senate and House of Representatives of the
United States, in Congress assembled.*

The memorial of the Senate and House of Representatives of the State of Michigan, convened at the city of Detroit, at their regular session for the year 1839, respectfully represents :

That the state of Michigan has an extended line of lake coast of nearly one thousand miles, almost entirely unprotected from a dangerous navigation by harbors, piers or other public works, for safety of vessels navigating the waters of Lakes St. Clair, Huron and Michigan, and the Straits of Michilimackinac, and that the mouth of the River St. Joseph is the only harbor that has received, by appropriations of public money, any aid from the general government in the construction of piers or other works, except light-houses, from Monroe, on Lake Erie, to New Buffalo, on Lake Michigan ; that while the coast of Lake Erie, through the states of Ohio and New York, has received liberal appropriations for the improvement of the mouths of the numerous rivers which empty into it, the navigation of Lake Michigan and the Straits of Mackinac has been attended the past season with a great destruction of property and loss of life for want of properly protected harbors. From these facts, and the very rapid increase of business on the upper lakes, your memorialists think the state of Michigan is now entitled to a liberal portion of expenditures for public works to meet the growing wants of a prosperous and thriving community, and for the safety of public and private property. Your memorialists would, therefore, respectfully ask that suitable appropriations be made for the following purposes :

For the construction of a harbor at New Buffalo, at the mouth of North Black, Kalamazoo and Grand rivers, and for completing the harbor at St. Joseph on Lake Michigan ;

For the construction of piers and a beacon-light at Michilimackinac, and for the construction of a pier and harbor at or near Point Au Barque, near the entrance of Saginaw bay ;

For the construction of the road from Detroit to Michilimackinac, and also the Grand river road ;

For the removal of the bar at the mouth of the Clinton river, and for the completion of the pier commenced by private individuals at the harbor of Brest ;

And respectfully ask of your honorable body to order a special examination of the accounts of the superintendent and assistant superintendent of the harbor at St. Joseph, and of the manner in which the funds entrusted to their care have been managed and expended, and whether they have manifested a due regard to the public interest.

Resolved, That (if the Senate concur) our senators in congress be instructed, and our representative requested, to urge the claims of this state to the above appropriations, and to use their best exertions to obtain immediate action thereon.

Resolved, That a copy of this memorial and resolution be transmitted by the Secretary of State to each of our senators and representatives.

(No. 17.)

**Annual report of the Board of Internal Improvement
of the State of Michigan.**OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, Jan. 15, 1839. }Hon. K. S. BINGHAM, *Speaker of the House of Representatives :*

Sir—I herewith transmit to the honorable the Legislature the annual report of the Board of Internal Improvement, together with the accompanying documents. By order of the board.

EDWIN H. LOTHROP,
President of the Board of Internal Improvement.

REPORT, &c.*To the Honorable the Legislature of the State of Michigan :*

The undersigned, the Commissioners of the Board of Internal Improvement of the State of Michigan, in pursuance of the requisitions of the act entitled "An act for the regulation of internal improvements, and for the appointment of a Board of Commissioners," respectfully report :

That the Commissioners appointed at the close of the last session of the legislature, met at the city of Detroit, on the first Monday of May last, and organized by electing Edwin H. Lothrop, president ; Hiram Alden, auditor ; Levi S. Humphrey, acting commissioner on the southern railroad ; Lansing B. Mizner, acting commissioner on the central railroad ; James B. Hunt, acting commissioner on the Clinton and Kalamazoo canal ; William A. Burt, acting commissioner on the northern railroad, and the Saginaw and Maple river canal ; Rix Robinson, acting commissioner on the improvement of the Grand and Kalamazoo rivers, and the Sault Ste. Marie canal ; and they severally entered upon the discharge of the duties of their respective offices. The board also appointed Amos T. Hall, as collector on the central railroad at Detroit ; Thomas B. Clark, collector at Ypsilanti ; Alexander H. Adams, secretary and general book-keeper ; and Charles Hoffman, way collector and captain of the train of cars ; and the other appointments on the said road were made by the acting Commissioner, under a resolution of the board. The board also appointed the following chief engineers, Joseph S. Dutton, on the southern road ; John M. Berrien, on the central road ; Jarvis Hurd, on the Clinton and Kalamazoo canal ; Tracy McCracken,

on the northern road and Saginaw canal; John Almy, on the improvements of the rivers and Sault Ste Marie canal, each at a salary of eighteen hundred dollars per annum.

In pursuance of a joint resolution of the legislature, the Commissioners were directed to cause a correct and accurate survey and estimate of a railroad route, on the best and most eligible ground, from Centerville, via Lockport, Geneva and Cassopolis, to Niles, to be made, and to report said survey and estimate to the legislature at their next annual session. The charge of this duty was assigned to Dr. Alden; on his being subsequently appointed acting Commissioner on the central road, on the 12th of June last, in the place of Mr. Mizner, who had resigned, it was transferred to Mr. Lothrop, who appointed Erastus Hurd as the engineer to make said survey and estimate; and said engineer will submit to your honorable body his report, with a map of the country and an estimate of the expense.

By a like resolution of the legislature, the Commissioners were directed to curve the southern railroad between the village of Petersburg and the city of Monroe, continuing the same on the south side of the River Raisin, if such curve could be made as cheap as a branch could be made from said southern railroad; if not, that they make a branch road to the village of Dundee, with a proviso in relation to a cession of lands and water power for the use of the state.

The acting Commissioner on said road having reported that the persons interested at that point had complied with the resolution in relation to the grant of sufficient land, and the necessary water power, was directed by a resolution of the board to make a branch road to the village of Dundee, it appearing from the statement of the Commissioner and engineer that a branch road would be less expensive and equally beneficial.

By another resolution of the legislature, the Commissioners were authorized, with the consent of the common council of the city of Detroit, to extend the track of the central railroad from its present termination, down Woodward avenue, to its intersection with Atwater street, and thence each way along Atwater street as far as the Commissioners might deem best for the public good, provided the expense should not exceed five thousand dollars.

The consent of the corporation was obtained, and the acting Commissioner on said road was directed to let the same to contract, and part of the work has been done—the particulars of which will appear in the report of the acting Commissioner on that work. By another resolution, the Commissioners were instructed to contract for one hundred miles of railroad iron. By a resolution of the late board of Commissioners, this duty was

assigned to General Humphrey, and his report on that subject is herewith submitted.

At said meeting of the board, the Clinton and Kalamazoo canal was located from Mt. Clemens, in the county of Macomb, to the outlet of Crooked lake, in the county of Livingston; its further location was postponed until a further survey should be made west of that point, for the purpose of ascertaining if a better and less expensive route could not be found. Such further survey has been ordered by the board, and the acting Commissioner on that work has stated the situation of the same in his report, herewith submitted: and also to cause a survey and estimate from Mt. Clemens to Belvidere to be made, which is not yet done. And the acting Commissioner on said work was directed by a resolution of the board, to expend the amount of money appropriated to said improvement on the eastern section thereof, commencing at Mt. Clemens, and thence west as far as the appropriation would construct the same; and he was directed to have the same prepared and let to contract.

The board also passed a resolution directing the northern railroad to be so located through the county of Shiawassee as to pass through both the villages of Corunna and Owasso, in such a manner as the acting Commissioner on the northern railroad should deem advisable for the best interest of the state. The location has been made by said acting Commissioner, in pursuance of said resolution.

The board also located the northern railroad on the south side of Black river, in St. Clair county, on the line reported by the engineer on his first survey; the resolution locating said road not determining on which side of said river it should commence, stating only that it should be located at or near the mouth of Black river, &c. The acting Commissioner on said road, by different resolutions, has been directed to let to contract for grubbing and clearing all that part of said road from the commencement, at the mouth of Black river, in the county of St. Clair, to the village of Lyons, in the county of Ionia, and to contract for the grading of fourteen miles, between the village of Flint, in Genesee county, and the village of Lyons, which has been done, as will appear by his report, as submitted herewith.

The acting Commissioner on the central road has been directed by resolutions, to prepare and let to contract, that part of said road between the villages of Ann Arbor and Jacksonburgh, for grubbing, clearing, and grading, and the same has been let to contract, as appears by his report.

The acting Commissioner on the southern road has been also directed to prepare and let to contract that part of said road between the village of Adrian, in the county of Lenawee, and the village of Hillsdale, in the county of Hillsdale, for grubbing,

clearing, and grading, and the same has been done, as more fully appears from his report, hereto annexed.

The acting Commissioner appointed to take charge of the river improvements and the construction of the canal at the Sault Ste. Marie, has let contracts for the improvement of the navigation of the Grand and Kalamazoo rivers, and for the clearing, grubbing, and excavation of the canal; his report to the board, together with the report of the chief engineer on these works, contains a statement of the contracts and amount of labor done, and are herewith submitted.

Resolutions have been passed by the board, directing the acting Commissioner on the southern road to prepare for letting to contract that part of said road between the villages of Hillsdale and Branch, and the work is now in progress, as appears by his report; and also directing the acting Commissioner on the central road, to prepare for letting to contract for grubbing, clearing, and grading, that part of the central road between the villages of Jacksonburgh and Kalamazoo: and to the acting Commissioner on the Clinton and Kalamazoo canal, to prepare to let to contract that part of said canal between the villages of Rochester and Pontiac. But no contracts are to be let on said works, until appropriations shall be made towards the same.

The reports of the several acting Commissioners contain full and detailed statements on the several works, and they are respectfully submitted with, and making part of this report:

The amount expended on the southern road, and the several works under the charge of L. S. Humphrey, during the present year, or to the first instant, is	\$236,195 51
The amount of work let to contract, it is estimated, will cost	497,250 00
The amount expended on the central road the past year, is	200,479 74
The estimated amount of contracts,	154,598 85
The amount expended on the Clinton and Kalamazoo canal, is	21,981 57
The whole amount of contracts let, will amount, as estimated, to	292,762 28
The amount expended on the northern railroad is	12,772 44
The amount let to contract on said road, is estimated at the sum of	85,204 31
The amount expended on the Saginaw canal, during the last year, is	8,155 95
The amount let to contract is estimated at being the amount appropriated on said works.	62,000 00
There has been expended on the Grand river, the sum of	13,996 58

On the Kalamazoo, the sum of	\$3,023 07
On the Sault Ste. Marie canal,	794 48

And it is estimated that the appropriation made for the rivers, will cover the expense of the contemplated improvements.

The amount let to contract on the canal around the falls on the St. Mary's, is estimated at about	42,000 00
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The expense of the survey of the St. Joseph river, with the maps and estimates made during the year 1837, but not audited and entered into the books, until 1838, is	5,812 22
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And there has been paid for instruments, the past year, the sum of	403 79
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There has also been drawn from the internal improvement fund, by the warrants of the auditor of the late board, and the warrant of the Auditor General, the sum of	927 00
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expenses on account of negotiating state loan, in the years 1837 and 1838.

And by the warrant of the Auditor General, for the improvement of the state salt springs, under the act of March 24th, 1838, the sum of	3,000 00
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For the pay of members of the board, stationery, printing, clerk hire, &c., the sum of	3,636 80
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of which amount, \$2,232 46, was paid by the late board, and \$1,404 34, by the present board.

And by the Auditor General, for clerk hire, in his office, the sum of	200 00
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The sum of \$5,812 22 above mentioned, as having been expended on the St. Joseph river, and also the sum of \$403 79, expended in the purchase of instruments, is to be paid out of the sum of \$20,000 appropriated in 1837, to the survey of the route of the Clinton and Kalamazoo canal, the survey of the Saginaw canal, and of the Grand, Kalamazoo and St. Joseph rivers, and for the purchase of instruments. The expenses have exceeded the appropriation about the sum of five thousand dollars, as stated in the report of last year to the legislature. No appropriation was made to pay this excess, and it has been paid out of the general fund.

A loan was made by the late board to the Bank of Gibraltar, of twenty thousand dollars, fifteen thousand dollars of which was the notes of chartered banks, and the residue was in notes of banks established under the general banking law; being some of the money which had been paid in by the State Treasurer, of the moneys received by him for taxes, under a joint resolution of the legislature.

Loans have also been made by James B. Hunt, one of the

acting Commissioners of the late board, without any resolution of the board, but as he represents, with the knowledge and assent of a majority of the late board. And by a resolution of the late board, passed on the first day of March last, five thousand dollars was placed to his credit, and two thousand two hundred and twenty-four dollars and eighty-four cents, to the credit of General Humphrey. And the resolution states the above sums "being for money received by the State Treasurer, and placed in the bank as a special deposit."

The report of said Commissioner on the subject of these loans, and also the amount of moneys paid by him, as acting Commissioner, for the expenses of running the central railroad, and for the purchase of wood, which the Auditor General refused to allow, or to issue a warrant for the amount, after having been requested to do so by a resolution of the board, is herewith submitted.

The amount remaining to the credit of the internal improvement fund, on the 1st day of January, 1838, being the unexpended balance of the preceding year, was

\$202,225 75

To which is added five per cent on sale of public lands,

4,994 96

State loan,

965,682 70

State fund, loaned by H. Howard, Treasurer, by authority of a joint resolution,

7,224 84

\$1,206,128 25

And the payments out of the same are as follows:

Southern railroad, 236,165 51

Havre branch railroad, 235 99

Surveys on St. Joseph, 5,783 15

Improvements on Grand River, 13,996 58

do Kalamazoo, 3,023 07

Sault Ste. Marie canal, 794 48

Central railroad, 200,479 74

Clinton and Kalamazoo canal, 21,961 57

Saginaw canal, 8,155 95

Northern railroad, 12,772 44

Improvement of salt springs, 3,000 00

Expenses paid for negotiating the state loan, in 1837 and '38, 927 00

For clerk hire for Auditor General, 200 00

Surveyors' instruments, 403 79

Loan to the Bank of Gibraltar, 20,000 00

Contingent expenses of the board, 3,636 80

\$530,496 07

Leaving an unexpended balance of \$674,622 18

To which may be added,

Loan to the Bank of Gibraltar, now due, \$20,000 00

Interest on the same.

Due from the Detroit and Pontiac railroad company,
on sale of iron by the late board, 9,955 46

For a full and detailed statement of the receipts of tolls, and the expenditures for running the central railroad, you are referred to the report of the acting Commissioner on that road. The statement shows a high degree of prosperity, yet, in the opinion of the Commissioners, the profits of this road for the ensuing year will be much greater.

In the prosecution of the several works, the acting Commissioners have met with great difficulty and embarrassments, on account of the heavy claims for damages constantly interposed for lands through which the roads and canals are laid. It is respectfully suggested that commissioners be appointed on each of these works, to assess the damages upon a view of the premises.

By the present law, the claimant has the right of appointing one of the referees, the Commissioners one, and these two choose the third, and they must be residents of the county. The persons thus chosen very naturally take sides with the party or interest appointing them, a difference of opinion is thus generated, to be settled by the third person, and in these differences between the interests of individuals and the public treasury, the latter is always the sufferer. But when three individuals of high character are selected by the state to assess these damages, no improper feelings will exist, as they will most probably be strangers to the claimants, and without any local interests to affect them, an impartial judgment may be given of the true value of the property taken by the state; a sense of justice in an honorable mind, on a subject in which no interests are involved, would be a sufficient protection to the claimant. This course was adopted in the state of New York, on the construction of the Erie and Champlain canals, and so well satisfied were the public with this system that it has been again adopted by that state on the recent enlargement of the Erie canal. It is less expensive than the course heretofore pursued, and the Commissioners would not be liable to be influenced by the local excitements that are perpetually got up by interested persons, on these real or pretended claims for damages.

In pursuance of a resolution of the late board, a survey was ordered to be made from the direct line of the Clinton and Kalamazoo canal, down the Red Cedar river, to intersect the Grand river. The survey has been made as far down as Ionia, in the county of Ionia. The report of the engineer was made to the board, and the same is herewith submitted.

The maps, profiles and estimates of the survey of the St. Joseph river, have been completed since the last annual report ; no appropriation was made by the last legislature towards the improvement of that beautiful river. The great advantages of water communication, over every other, to an agricultural district, makes the improvement of this river an object well worthy of the favorable attention of the legislature, and it is hoped that the state of Indiana, will improve that portion of the river within its boundaries.

Numerous applications have been made to the board, during the last year, for damages occasioned by the locomotive engine and train, destroying cattle and hogs on the line of the central railroad. The Commissioners have no authority, under the present law, to pay these claims. The inhabitants have become rather exasperated, and some disaffected persons have retaliated by placing obstructions on the road, to the great danger of passengers, or by injuring the roads and bridges, to the loss of the state. As these claims will be accruing along the whole line of the road, it seems that the question should be settled by some legislative action. The lands on which the roads are constructed belong to the state, either by gift or purchase, and the Commissioners have generally allowed for building fences, when the lands were given to the state, or nominal damages only allowed. In other instances, the owner of the land is paid for his damages, and is to build his fences, as on ordinary roads, but there are many roads crossing the railroad, and in other places, as in villages, where animals may, at any time, get on the road, and be subject to injury.

As the country becomes improved and cultivated, and the cattle are more restrained, the difficulty will diminish ; at present, the woods are the common pasture for most of the neat cattle, and it appears almost impossible to prevent them from coming on the road. It is respectfully suggested that the owner and the state should divide the losses sustained in these cases ; with such a regulation, both parties will use more care than if the loss were entirely on one side, and the law could define what proportional value the state should pay, when the damage is occasioned without gross negligence or wilful misconduct.

By the present law, the Commissioners have no authority to furnish funds to contractors, or to make any advances except on materials for the work. A great majority of the persons disposed to enter into contracts on the public works, have not the ability to meet the necessary outlay to commence and carry on the work with energy, hence it lingers along until their credit is destroyed, and they become discouraged, and the contract is finally abandoned, to be let at a higher rate, and to a more wealthy contractor. On all these contracts, security is required, and damages

may be recovered, but they are seldom or ever paid, the property either changes owners, or application is made to the legislature for relief, and all experience teaches us that they seldom petition in vain.

If advances could be made, on approved security ; there is no doubt but the work would be taken cheaper and carried on with more rapidity. Connected with this subject, is another, to which the attention of the board has been called ; the authority of purchasing the right to use a patent steam pile driving and sawing machine ; these machines are now in use, in several of the states, and are said to answer a valuable purpose. The road is made cheaper, faster and better, than in the ordinary manner ; a contractor cannot afford to purchase the right, or build the steam engine, for a few miles of work ; the Commissioners have no authority to do it, and its benefits are lost to the state.

The chief engineer employed in the repair of locomotive engines, Mr. Benjamin Briscoe, has obtained a patent for an ingenious improvement in the spark-catcher, attached to the locomotive engines ; the state are now using them, and have derived great advantage during the latter part of the season, from this improvement ; but they have no direct authority by law, to allow any compensation, and as the spark-catcher will be necessary for every new locomotive that is purchased by the state, some authority ought to be given in this and other cases, to purchase these rights and such other improvements as are made from time to time, and which would be manifestly beneficial to the state. A proposition has also been made to the board, by Mr. Baldwin of Philadelphia, the manufacturer of some of the locomotive engines now owned by the state, to establish a shop in this state for the manufacturing of these engines, if the Commissioners would agree to purchase a certain number for the state ; but as the board had no authority to make such a contract, the negotiation was ended. The distance of transportation, and the great risk incurred in bringing these ponderous machines from New York and Pennsylvania, and their liability to injury on the way, make it desirable that a shop of the kind proposed, should be established in the state. The state are also building their own freight and passenger cars, and they are done in an elegant and workmanlike manner. There is little doubt, however, that work of this kind may be done much cheaper by an individual directly interested, than by the state. Indeed, as a matter of economy, the state ought not to embark in any work, which individual capital and enterprise can accomplish.

The Commissioners are also of opinion that it would be more advantageous to the public, and not injurious to the interest of the state, to allow free competition in the carriage of freight on the railroads ; the state furnishing only the motive power, and trans-

porting the passengers and perhaps the mails, and in other cases allowing individuals or companies to place cars upon the road, for the purpose of carrying their own produce and merchandize, or as common carriers for others, subject to such tolls and regulations as the Commissioners should from time to time direct. Although a state monopoly is less objectionable than any other, yet it accords better with the spirit of our institutions, and the opinion of our citizens, that as much of competition should be allowed in all cases as the subject matter will admit without injury to the public. Safety requires that the state should control the motive power, and the manner in which it is regulated, together with the carriage of passengers in a safe, cheap, and expeditious manner. The rest may well be left to individual competition.

A difference of opinion exists between the Auditor General and the Commissioners, on the construction of the act of the last session of the legislature, entitled "An act to amend an act entitled 'An act for the regulation of internal improvement, and for the appointment of a board of commissioners.'" One of the grounds taken by the Auditor General is, that this act has entirely done away with the office of auditor of the board, and therefore the Commissioners cannot draw any money from the funds placed in their charge; and that on his warrant, and without an order from the board, he can draw these funds and use them in payment in such cases as he thinks proper—while the board are of opinion that by said law he is only authorized to audit the accounts of the acting and other Commissioners for disbursements of money, and that in all other cases the duties of the auditor of the board remain as before; and that no moneys placed to the credit of the internal improvement fund can be drawn, except by an order of the board, authorizing their auditor to draw his warrant for the amount, which warrant is to be countersigned by the Auditor General. If the construction of the Auditor General is correct, the board cannot use a dollar without his consent; and he can dispose of these funds, while the board remain responsible to account for them when called upon by the legislature. The Auditor General at first required that all accounts presented should be proved by affidavits; this gave rise to a great deal of difficulty in procuring the affidavits, and then in paying the expense of taking them; the magistrates and other officers charged twenty-five cents each for taking these affidavits, while the Auditor General would only allow six and a quarter cents each, making the Commissioner, engineer, or claimants, lose the difference.

The affidavits were clearly illegal, and amounted only to a certificate of the account; there was no danger in making them, it arose in paying for them. The Auditor General also claims the right of allowing or disallowing any account presented to him, after the same is paid, and certified to be correct by the acting

Commissioner. The account is mutilated and altered in such a manner that the receipt is no longer the evidence of payment—the account presents one amount and the receipt another. The question is, which must govern?

In order to obviate some or all of these difficulties, the written opinion of the Attorney General, the legal adviser of the officers of the state, was obtained and presented to the Auditor General; but it was not considered satisfactory by that officer, which opinion is herewith submitted. The Commissioners were under the necessity of conforming to the views taken by the Auditor General under this law, or suspend the public works under their charge. It is respectfully submitted to the legislature that a complete revision be made of the laws relating to internal improvements, designating the duties of the respective officers in such manner that no room for differences of opinion may exist.

The present law, allowing a Commissioner to draw only five thousand dollars at one time, and not to draw any more until that sum is fully accounted for, and vouchers produced for the same, and audited by the Auditor General, has produced much inconvenience without any corresponding benefit. By said law, the acting Commissioners are required to give bail to the amount of twenty-five thousand dollars, while under no circumstances are they allowed to have over five thousand dollars. For the purchase of locomotives, or materials, the board may advance over that amount, but an acting Commissioner cannot draw over the five thousand dollars. Nor can he obtain any further sum until he has fully accounted for the first. The receipts cannot be obtained until the money is paid; after payment is made and the receipt is brought to the office of the Auditor General, he decides whether it is or is not a correct payment, rejects or allows it, or alters the price of the articles and allows it at a different sum from the amount actually receipted. The Commissioner has a receipt for one sum, to be entered in the books of the office; the Auditor General has another to be entered in his accounts—or the acting Commissioner must lose the difference, or return and seek out his receipt, dispute the account he has once allowed, and get back his money and change his voucher. In the mean time, contractors, laborers, and others employed by the state, must be delayed in the receipt of their moneys until this question with the Auditor General is settled, and another warrant obtained for another five thousand dollars.

Another difficulty occurs equally objectionable:—payments are made to contractors on their monthly estimates at remote points, as at Lyons, or at the Saginaw canal, or on the Grand river, or at the Sault. The estimate may exceed the sum of five thousand dollars, the Commissioner must go to the place to pay the money and obtain his vouchers, return and settle with the Auditor General, and

make another journey to pay the balance; if the estimate is less than five thousand dollars, he cannot obtain vouchers enough to obtain another warrant until the next estimate is made, and then he will be in the same situation as if the estimate had exceeded five thousand dollars, for a second journey will be indispensable. When the estimates amount to fifteen or twenty thousand dollars per month, and are payable at a distance, it will be almost impracticable.

Under the act entitled "An act to provide for the more speedy adjustment of damages consequent upon the location of the central railroad, through the lands of Conrad Ten Eyck, and others," the amount of damages certified by the Commissioners under said act, were to be paid by the board of Commissioners of internal improvement, out of any moneys in the treasury not otherwise appropriated, upon the warrant of the auditor of the board, duly countersigned by the Auditor General. When the warrants issued by the auditor of the board to pay these awards to the several claimants, were presented to the Auditor General, he refused to countersign them, on the grounds above stated, that the act of April 6th, 1838, repealed or done away with the office of the auditor of the board. In some cases the Auditor General has issued his own warrant and allowed the persons presenting them to hold both warrants. In other instances, he issued his warrant without any order of the board, or any notice to them that he had drawn on the funds placed in their charge, and in one instance he issued a warrant in favor of a person who had received advances on his claim by a former acting Commissioner, and the claimant has not yet refunded the amount formerly advanced; and the Commissioners are informed that the sums thus drawn by the Auditor General amount to \$9,594 65, which does not appear in the report of the acting Commissioner on the central railroad, but which, if drawn according to law, should be charged to the expenditures on that work.

If the Auditor General's construction of these acts is correct, the Commissioners ought not to be held responsible for these funds, when they may be used without their knowledge or consent. In the instances referred to, there is no doubt that the Auditor General has taken the proper vouchers for these payments, as he construes the law; but the Commissioners are of opinion, that the payments were illegal, and the vouchers therefore incorrect.

The accounts of the several acting Commissioners, as stated in this report, are made up to the first day of January, instant. Estimates have been presented and paid at different periods since, which will be entered in the books as payments of the present year; advances have also been made by order of the board, to the late acting Commissioner, Hiram Alden, deceased, on the central road, for the purpose of obtaining releases of right of way on said

road, which account is not yet closed; the acting Commissioner on the Clinton and Kalamazoo canal has advanced, under an order of the board, to contractors on said canal, the sum of eleven thousand dollars for materials not yet delivered and estimated, which amounts do not appear on the books until regularly audited and allowed.

Before closing this report, the Commissioners would advert to the decease of an esteemed member of the board and one of the acting Commissioners, Doctor Hiram Alden, who departed this life on the 26th day of November last, at the city of Detroit, when he was engaged in discharging the duties of his office. The Commissioners take this opportunity of publicly expressing their high regard for the honesty, industry and ability of their late colleague; and would respectfully recommend to the legislature that some law or resolution be passed, providing for that part of his salary not allowed by the Auditor General, and for his funeral expenses.

After the death of Doctor Alden, Mr. Mizner took charge of the central railroad, and attended to the business thereof, until the present meeting of the board, when Edwin H. Lothrop was appointed acting Commissioner, and has entered upon the duties of his office.

EDWIN H. LOTHROP,
WILLIAM A. BURT,
L. S. HUMPHREY,
RIX ROBINSON,
JAMES B. HUNT,
L. B. MIZNER.

OFFICE OF INTERNAL IMPROVEMENT, {
Detroit, Jan. 15, 1830. }

DOCUMENTS.

(No. 1.)

Report of E. H. Lothrop, acting Commissioner Central Railroad.

To the Board of Commissioners of Internal Improvement.

The undersigned, acting Commissioner on the central railroad, would respectfully present to the board the following report:

The central railroad was placed under the charge of Dr. Hiram Alden, late acting Commissioner, on the 12th day of June last, and continued under his charge until the time of his death. During that time, he caused to be prepared and put under contract for clearing, grubbing and grading, all of that portion of the road between the villages of Ann Arbor and Jacksonburgh, besides

exercising a general supervision over the construction of the whole line of road, and the repairing and running that portion of the road now in use. From the cursory examination given to the acts of my predecessor, since I came into the office, I feel compelled, in justice to his memory, to bear testimony to the zeal, ability, and unremitting attention with which he devoted himself to the discharge of the high and responsible duties imposed on him by your board.

That portion of the railroad between Ann Arbor and Jacksonburgh, I am informed by the chief engineer, is in a successful progress of completion, and will probably be ready for receiving the superstructure early the ensuing summer. My predecessor limited to the first inst., the time for completing the contracts on this part of the work; but in my opinion, the time was altogether too short, and that it has been impossible for the contractors to fulfil their obligations to the state, and that additional time should be given to such of them as are now faithfully employed on their contracts.

That portion of the road between the villages of Ypsilanti and Ann Arbor, was let to Col. D. C. McKinstry, in January last, for clearing, grubbing, grading and laying the superstructure, &c., in which contract he bound himself to have the road fully completed by the first day of October last. I regret to inform you that the work is yet unfinished.

At your session in September last, the board passed a resolution directing my predecessor to annul the contract, and re-let the same, unless Col. McKinstry shall, within one week, commence prosecuting the work with more energy and effect than he had heretofore done. I am informed that such assurances were given Dr. Alden, of reform, that deterred him for the time being, of exercising the plenary power with which he was entrusted by the resolution. Although there has been some improvement on the work since the passage of said resolution, yet I am not satisfied that all has been done that should have been done by the contractor. But in justice to Col. McKinstry, I feel bound to lay before the board the excuse he has given me for the delay. He informs me that he should have been able to have nearly completed his contract by the time specified, had it not have been for the sickness of the season; that he employed and sent on his work at different times, between one and two hundred men, and that they were soon taken sick and were obliged to leave the work; that he came to Detroit and offered higher wages than he could afford to pay, for the purpose of obtaining men, that his work should not be suspended, and that he could not obtain men at any price.

I am now informed by the resident engineer on this division of the work, that the timber for superstructure is now being placed

on the line of the road ; that the balance of the grading now unfinished, will probably be done by the time it will be advisable to commence laying down the superstructure in the spring, and that the road will be ready to receive the iron by the time it will reach the city from New York.

There remained on the first day of January, 1839, the following amount of work to be done, now under contract :

To complete the road in the 3d division, McKinstry's contract, between Ypsilanti and Ann Arbor, \$24,563 50

To complete the preparation of road surface on the 4th, 5th and 6th divisions, ready for superstructure, between Ann Arbor and Jacksonburgh, 130,035 35

\$154,598 85

The expenditures on the central railroad from the 31st December, 1837, to the 31st December, 1838, are as follows:

For locomotives and cars,	\$40,514 93
grading,	65,243 35
grubbing,	1,453 36
timber,	9,364 13
bridges,	13,514 55
superstructure,	25,887 93
depot buildings,	6,163 57
water stations,	3,594 26
engineering,	13,590 32
damages, including fencing, cutting timber, &c.,	10,517 06
subsistence,	4,000 77
contingent expenses,	6,635 51

*\$200,479 74

Add the amount expended during the year 1837, 367,186 33

Sum total of the expenditures on the central railroad, \$567,666 07

Add the amount appropriated but not expended, 154,598 85

\$722,264 92

Deduct the amount from the appropriation made for the years A. D. 1837 and 1838, (\$750,000,) it will leave the sum of \$27,735 08 unappropriated, 27,735 08

Sum total of all appropriations, \$750,000 00

It will require, to construct the superstructure between Ann Arbor and Jackson, exclusive of iron, (estimated cost,) \$120,000 00

*In this amount there is included the expenditures on the track down Woodward avenue, for which a special appropriation was made. The amount expended is \$3,346 37.

Four stations, including buildings, side track, &c.	9,000 00
Add for contingencies, including engineering, &c.	38,159 88

\$162,159 88

Deduct the balance of appropriation unappropriated,	27,735 08
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It will require this sum over and \$134,424 80
above all appropriations now made, to finish the central railroad to Jackson, exclusive of iron. The iron will probably cost about \$1,800 per mile. The distance is 48½ miles.

The location west of Jacksonburgh, preparatory to letting to contract, was commenced under the direction of your board, by my predecessor, and is rapidly progressing, and the whole line as far as Kalamazoo, will be ready for contract about the last of February.

Estimates of the costs of this portion of the line will be furnished on the completion of the location. The expense of clearing, grubbing, grading, bridging, &c., and all expenses incident to the preparation of the road surface ready for the superstructure, may, for the present, be assumed at \$5,000 per mile. Distance is 67 miles.

Under a resolution of your board, the late acting Commissioner commenced the erection of a depot building, in the rear of the city hall in the city of Detroit, on lands leased to the state by the corporation, and expended about \$2,000 in labor and materials.

Before he had finished laying the foundation for the building, he was stopped by a writ of injunction, issued out of the court of chancery for the first circuit. The case has not yet been decided; all business remains suspended, and the materials remain on hand.

I would recommend to the board, that a proper site for a passenger depot in or near the city of Detroit, be obtained immediately, and a suitable building be erected thereon, with as little delay as possible. I acknowledge the principle that it is the duty of the board to consult the feelings and wishes of the citizens of Detroit in the establishment of a depot, as much as possible, without jeopardizing the interests of the state. But when the state have property to the amount of \$20,000 or \$30,000, constantly exposed to the ruinous effects of the weather, and liable to injury from evil disposed persons, the question resolves itself into one of expediency and not of accommodation, and that it would be impolitic to wait the result of a long and protracted chancery suit.

The Pontiac railroad company are indebted to the state in the sum of nine thousand nine hundred and fifty-five dollars and forty-

six cents, for iron sold that company by the late board, under a resolution of the legislature.

By a resolution of your board, my predecessor was directed to ascertain the amount of iron received by that company, and collect the balance due. I am informed that he was unsuccessful in collecting any part of it, and has left the account with the Attorney General for collection.

The cars commenced running regularly on the central railroad on the 3d day of February last. The amount of tolls received for the transportation of passengers and merchandize exceeds the amount paid for running the road in the sum of \$37,283 74, as will appear by the following statement:

Received by A. H. Adams, acting collector, from the 10th Jan. to 21st May, 1838, for transportation of passengers and merchandize, 18,368 06

Received from the 21st May to 31st December, 1838, for transportation of 29,307½ passengers, \$39,454 74

do 9,937,785 lbs. merchandize, 20,149 51

do 15,554½ barrels flour, 3,928 10

do 115,661 feet lumber, 225 83

do 1,168 85-100 M shingles, 204 05

do 789½ cords wood, 497 00

\$82,917 29

Paid for wood, 3,447 05

do oil, 3,895 10

do repairs of machinery and cars, 3,481 20

do repairs of road, 12,595 11

do for repairs Rouge bridge, 576 46

do transportation of freight and

passengers, 21,638 82

45,633 74

Profits running road, 37,283 55

Of the disbursements made for defraying the expenses of running the road, there has been received,

From the internal improvement fund, \$33,448 79

do funds received by A. H. Adams, for tolls, 12,184 95

\$45,633 74

There are in my hands at this time, funds to the amount of \$6,645 11, placed there by a resolution of your board, which funds were received by Mr. Adams, for tolls, and most of them have since become unavailable, as will appear by the following statement:

Bills of the Bank of Saline, \$1,475 00

Carried forward,

\$

Brought forward,		
Bills of the Farmers' bank of Sharon,		184 00
do Bank of Singapore,		41 00
do do Allegan,		27 00
do Goodrich bank,		18 00
do Bank of Ithaca, New York, (counterfeit,)		5 00
Certificate receiver Jackson county bank,		468 00
do Bank of Lapeer,		627 00
do Wayne county bank,		45 00
do Bank of Kensington,		16 00
P. Morey, Attorney General, receipt (for note)		200 00
Account of Hiram Alden for services,		168 00
Shinplasters,		5 63
Bills of the Clinton canal bank,		10 00
do Bank of Clinton,		2 00
do St. Joseph county bank,		1 00
Available funds in my hands, (in bank,)		2,764 48
Bills of the bank of Manchester,		198 00
do Saginaw city bank, (counterfeit)		20 00
do Lenawee county bank,		79 00
do Wayne county bank,		63 00
do Merchants' bank of St. Joseph,		5 00
Certificate receiver Farmers' bank, Genesee county,		158 00
do do do Sandstone,		63 00
Bill of the Palmyra and Jacksonburgh railroad co.		1 00

\$6,645 11

Deduct \$462, the amount due J. B. Hunt, for advances made for running the road,

462 00

\$6,183 11

Add to this amount the sum of \$12,184 95, which was used for defraying the expenses of running the road, out of moneys received for tolls by Mr. Adams,

\$12,184 95

Sum total of moneys received by Mr. Adams for toll,

\$18,368 06

All of these moneys were received by Mr. Adams for tolls under the direction of the late board, before the 16th day of May last, and became uncurrent before they could be disposed of.

The short time the undersigned has had charge of the road, will be his only excuse for this imperfect statement of the pre-

sent state of the work on this important branch of our public works.

All of which is respectfully submitted.

E. H. LOTHROP,

Acting Commissioner Central Railroad.

January 12, 1839.

(No. 2.)

Report of James B. Hunt, acting Commissioner on the Clinton and Kalamazoo canal.

To the honorable the Board of Commissioners of Internal Improvement of the State of Michigan.

The undersigned, acting Commissioner on the Clinton and Kalamazoo canal, in pursuance of a resolution of the board, respectfully reports :

That immediately after his appointment as acting Commissioner, in the month of May last, he directed Jarvis Hurd, Esq., the chief engineer on said canal, to prepare for letting to contract that part of the canal on which, by a resolution of the board, the appropriation was to be expended, commencing at Mt. Clemens, in the county of Macomb, thence west, as far as the amount appropriated would extend.

The engineer prepared for the first letting as far west as Utica, and I advertised that part for letting to contract according to law, the proposals to be received until the 28th of June, at Mt. Clemens. On that day, about sixty proposals were received for the whole or different parts of said work, except the bridges and timbered locks : plans and specifications for which the engineer had not time to complete previous to the letting. The proposals so received have been duly filed in the office of the board, according to the resolution requiring the same.

The stone lock connecting the canal with the river, at Mount Clemens, was let to Alexander Clemens, of the state of Ohio, at the sum of one thousand four hundred dollars per foot lift, with lock gates, &c., complete. The contractor has delivered part of the stone, which has been brought from the state of Ohio, and is preparing the residue to be delivered in the spring. The stone already delivered are of the requisite quality, and answer the directions of the engineer as to size and dressing.

By a resolution of the board, the Auditor General was requested to draw his warrant in favor of the undersigned on the State Treasurer, in such sums as he should from time to time consider necessary to advance to this contractor for the purpose of enabling him to quarry, cut, dress and deliver said stone, not exceed-

ing in the whole the sum of five thousand dollars, on his executing a bond, with sureties, to be approved by the Auditor General, for said sums so advanced. The money has been paid him in three different sums, and he has executed the required bonds.

The canal is divided into sections of one mile each. The first of these was let to James B. Van Rensselaer, as the lowest bidder. A particular specification of the kinds of work, and the prices, may be had by reference to the contracts on file in the office of the commissioners. The grubbing is principally finished, and considerable of the excavation has been made, and there is no reason to doubt but that the work will be completed by the required time.

The second section was let to Robert Wattles. This work is not in such a state of forwardness as the first section;—it was found advisable to change the location of part of this section, on account of quicksand, and to throw the canal down on the bank of the river, instead of keeping it on the side of the hill, where the quicksand would be perpetually washing into and filling up the canal, even if sheet piling had been resorted to for the purpose of doing the work. The contract price for excavating quicksand was 83 cents per cubic yard, and the contractor claims an allowance for changing the line, thereby depriving him of the benefit which he would have received in removing the quicksand at that price. This question will be referred to the board for their action. A part of the excavation on this section proves to be "hard-pan," and this will also impede the progress of the work, but it is expected the contractor will be able to complete it in time. A copy of this contract is also on file.

The third section was let to Messrs. Plues, Wilson & Co. of New York, and includes one stone lock and two aqueducts across the river, on stone piers, with wood trunks; it is the most expensive mile on the eastern section of the canal. It is known to the board that the engineers were opposed to this place of crossing the river, both on account of the expense of the first construction and the cost of repairs, as well as to the interruption of navigation when repairs should be required. The citizens of Mt. Clemens were opposed to the plans of the engineers, using the river from the mills of Judge Stevens down to the village, which would have done away with the necessity of these aqueducts. They applied to the board, then in session, to make a personal examination of the route, and to direct the manner in which it should be constructed. The work now under contract is in conformity with that decision of the board, and although it is an expensive piece of work, yet at the prices paid and the great experience and high character of the persons who took the contract, it is supposed that it will be done well and more reasonable than the undersigned had anticipated. The stone lock was let at thirteen hun-

dred and sixty-five dollars per foot lift, with gates, &c. complete. An arrangement similar to the one made with Mr. Clemens, in relation to the procuring of stone, was made with these contractors, allowing them to receive not more than ten thousand dollars, and they have received on two different applications the sum of six thousand dollars, and the requisite security has been given. This contract was also on file in the office of the board.

Sections four, five, six, seven, eight, and the west half of nine, were let to Messrs. Parks, Boyer & Co. who took the same on a proposition made by a Mr. Porter, and with his assent, which was the lowest offer except one, for these sections, the person who made the lowest offer having declined entering into contract. After some progress had been made in the work, a division of the contracts took place between the contractors, Mr. Parks taking one mile and the tenth of a mile off the western end of the contract. My assent was given by the advice of the board, to an assignment by the parties to each other of their interest in the different parts of the work, according to the agreement entered into between them. The whole of these sections was much too large a contract for the limited means of the persons engaged. They commenced grubbing on section four, and made some progress in the excavation on the same section, but it has not been driven with energy, and about the 21st or 22d of December it was abandoned by those contractors who had retained the eastern section of the work. This part of the line ought to be let to contract as soon as possible, as the lock-pits must be excavated in time to allow the contractors who have engaged to build the locks, an opportunity to finish their work pursuant to contract, or they may claim damage for the detention. Bail was taken on these contracts, and they may perhaps choose to go on with the work, rather than subject themselves to the damages. By the terms of these contracts, the excavation and embankment is to be completed on or before the first day of August next, and the locks, aqueducts, culverts, &c. before the first day of November next. There is a clause in the contract, that if the work should not progress with sufficient rapidity to ensure its completion by the times above limited, or if the work should be done in an improper manner, or of bad materials, the commissioner or engineer having charge of the work, after giving notice to the contractor, may declare the contract forfeited, if the subject complained of is not remedied. Owing to the difficulties that have arisen on public works in other states, it was deemed prudent to prohibit the use of ardent spirits as a drink for the workmen on the several jobs, on pain of forfeiting their contracts. The contractors appear to be satisfied that it is for their interest that it should be so.

The engineer was directed to prepare the line for letting to

contract from Utica to Rochester, directly after the first letting. Owing to sickness and the repeated examinations necessary to find the best route, near the village of Rochester, the second letting did not take place until the 10th of September. At the time of the letting, it had not been determined whether the river would be taken in as a feeder below Rochester, or not; or whether both Stony and Paint creeks should be used as feeders. Nor could it be known before the contracts were let, whether the appropriation made for this work, would extend as far as that point, or not. Under these circumstances, the work was let to Rochester, a distance of sixteen miles from Mt. Clemens. About sixty different proposals were received at this letting, and are also on file. The west half of section nine was let to Elijah Hamlin, jr., and the contractor has done some work on the same. Section ten was let to Messrs. Hilton & Allen. The work on this section is going on with much rapidity; from the character of the contractors, there is no doubt but it will be completed according to contract. Section eleven was let to Messrs. Bronson, Knight & Ingalls. The grubbing on this contract is partially done, and although it has not progressed with as much speed as the other, it is presumed it will be done in time. Sections twelve and sixteen were let to John F. Hamlin; section thirteen to Messrs. Parshall, Hawley & Co.; section fourteen to Elijah Hamlin, and section fifteen to Messrs. Johnson, Niles & Co. There is some work done on each of these sections, except the fourteenth: and much timber got out for the locks on the line. The road and farm bridges, not let with the sections, were contracted to Jeremiah H. Crittenden, and the timbered locks, not let with the sections, were bid in by Isaac Kelly; both these contractors are getting out and delivering the timber necessary for the work. The above contracts, except for section fourteen, are also filed in the office of the board.

The estimated expense of the work let to contract, appears from the schedule annexed. Before the location of the canal, an agent had been employed to obtain releases along the surveyed route, and many were procured. Some persons refused until the line was finally located, that they might see what injury, if any, they should sustain. In the final location, it passes through some lands where no attempt had been made to obtain releases, as it was far from the first survey. The agent has been recently on the line obtaining releases where he could, and is now engaged in that business on the line recently surveyed through the west part of Livingston and the east part of Ingham counties.

Applications have been made for damages by persons residing near the villages of Mt. Clemens and Utica, and one or two other points on the line. A compromise has been effected in three of the cases, and one has been submitted to referees under the sta-

tute. The award has far exceeded any calculation that I had made of the damages sustained. This amount has not been paid, and the subject matter and the questions arising thereon, will be laid before the board for their action.

It had been supposed from the great anxiety manifested by the public on the line of the canal, both in favor of the work and the appropriations to be made for its construction, that it was a desirable improvement, and that the lands through which it passed would be increased in value; that few, if any claims for damages would be presented. But the entire contrary of this appears to be the case; an excuse for making a claim is always ready, and the claims when presented are generally of the most extravagant character. Under the direction of the board a re-survey has been made through the west part of the county of Livingston, for the purpose of avoiding a deep cut of about three miles in extent, the most serious obstacle on the whole route. The line had been located to the outlet of the Crooked lake, in Livingston county; from this point the survey has commenced and extended west, and at the time I was on the line, about the middle of last month, sufficient information had been obtained to ascertain that a favorable route could be found without increasing the distance, and with a vast saving of expense to the state. An additional report will be made as soon as the engineer returns and can make his maps and estimates of the work.

By the report of the chief engineer, made to the board about the close of the last legislature, it appears that a practicable route for a canal was found from the present line of the canal near the head waters of the Red cedar; thence down that stream to connect with the navigable waters of the Grand river. No legislative action has been had in relation to this survey. It was done under a resolution of the late board, for the purpose of ascertaining the practicability of the route, and perhaps it would not be improper to urge upon the legislature the necessity of making this branch canal, the most cheap and direct method of connecting the navigable waters of the St. Clair with those of Lake Michigan, by connecting with the navigable waters of the Grand river; and that river itself, and the Lookingglass, might be improved by slack-water navigation for some distance above its present navigable point.

The appropriations for the last two years upon this work have been only \$245,000; the appropriations on the central railroad have been \$750,000; while the real advantages to the state to be derived from these works are altogether in favor of the canal. Yet even this small sum has been directed to be expended on the most expensive and least useful part of the canal. The canal commences twenty miles from the city of Detroit, at a point on the Clinton river, where the smaller size of lake vessels only can

navigate, and then by a crooked river navigation with a bar at its mouth. When the canal shall have been completed to Pontiac, a distance of about twenty-seven miles, it is only about twenty-four or twenty-five miles from Detroit, the present business mart of the state. At this point, a railroad owned by an incorporated company, runs directly to the city, and is now nearly completed. It is scarcely to be presumed that a person having produce at Pontiac, or within a reasonable distance of that place, would send it by the canal to Mt. Clemens, to be stored, and thence re-shipped to Detroit, to go through another process of storage and transhipment for Buffalo or any other port on lake Erie, with the consequent expense and delay of storage, and through a canal averaging more than nine feet of lockage to the mile, when the same could be sent, in a few hours by the railroad, to a warehouse in Detroit. It becomes necessary, therefore, that the navigation of the river from Mt. Clemens to its mouth, must be improved, and the obstructions removed by the time the canal is completed, so that the large lake vessels can meet the river and canal boats at that point, or that the work must remain unproductive.

The remedy is with the legislature; the board have no power, except to order a survey of the river for the purpose of obtaining information, which they have done. The engineer has been directed to make this survey, as soon as the party engaged in Livingston county shall return.

The expenditure of this appropriation west of Pontiac, on a cheap part of the work, without lockages, would have been highly serviceable to the inhabitants in the interior of the state, and more productive in point of revenue; for although the eastern part of the state is more densely populated, yet they have more direct routes to Detroit than by the valley of the Clinton river.

The Detroit and Shelby railroad now in progress, will do most of the business of the western part of Macomb county, and almost every other part of the line west of Utica, have an easy communication with the other railroad or with the turnpike to Detroit. I have felt it my duty to state this much to the board, that they may, if they deem it advisable, suggest to the legislature the necessity of expending the whole or a part of the next appropriation on the summit level of the canal, where a small sum will make some distance of canal. The work already constructed on the eastern sections of the canal will be a sufficient guaranty to the citizens in its vicinity, that the state will continue the work to its completion, as originally contemplated.

I have drawn for the use of the canal the present year, the sum of thirty thousand dollars, which has been punctually expended in payments to contractors, engineers and persons claiming damages. Fifteen thousand seven hundred dollars has been audited,

the residue will be, as soon as the last estimates due on the first of the month are paid. This does not include the amount advanced to contractors for the purpose of procuring stone, as above stated, which amounts to eleven thousand dollars more, making in the whole, about thirty-one thousand dollars, as will appear in detail from the books of the office kept by the secretary of the board.

Justice to this important work requires from the legislature as large an appropriation as has ever been given to any other improvement in the state. It is destined not only to be the pride and ornament of the state, but at some future day, to be the source of its permanent revenue, and although we are not vain enough to compare it with the Erie canal, yet, who can say, that when Michigan shall be settled with an enterprising population along the line of this canal, extending more than two hundred miles, through as fertile a country as even western New York, when Wisconsin shall have reached the present population and wealth of Ohio, that this canal shall not be at least secondary in point of character and revenue. All of which is respectfully submitted.

JAS. B. HUNT,

Acting Commissioner Clinton and Kalamazoo canal.
January, 1839.

Estimated expense of that part of the Clinton and Kalamazoo canal now under contract, at the contract prices, and including, also, some work not yet contracted, between the villages of Mt. Clemens, in Macomb county, and Rochester, in the county of Oakland. The estimate does not embrace the expense of lock-houses, damages for right of way, or other contingencies.

The distance on which this estimate is made is 16 miles seven chains, amounting to \$292,762 28, averaging \$18,198 08 per mile.

The located line is 70 chains shorter than the surveyed line of 1837, and the saving of expense is estimated at the sum of \$80,853 72.

The amount of work done on the several sections as estimated, up to the first of January inst., is \$16,588 42.

The estimated expense of bringing the waters of Paint creek into the canal as a feeder, is \$1,138 36, not included in the estimate on the 16 miles 7 chains.

The maps and profiles of the work under contract are in progress, and will soon be completed.

JAS. B. HUNT,

Acting Com. Clinton and Kalamazoo canal.

(No. 3.)

*James B. Hunt's Report.**To the Honorable the Commissioners of the Board of Internal Improvement.*

The undersigned, a member of the former board of commissioners, and one of the acting commissioners of said board, respectfully reports :

That in addition to his report as acting commissioner on the Clinton and Kalamazoo canal, he has thought proper again to state to the board the manner in which the loans were made by him, before the appointment of the present commissioners ; and also in relation to his accounts for moneys paid for the state and allowed by the board, but not audited and paid by the Auditor General ; and respectfully asks that the same may be laid before the legislature.

By a joint resolution of the legislature of the 30th of January, 1838, the State Treasurer was authorized to receive in payment of state taxes until the sixteenth day of May (then) next, the notes of all such banks as are mentioned in the 13th section of an act entitled "An act suspending for a limited time certain provisions of law and for other purposes, approved the 22d of June, 1837, and the notes of all specie paying banks."

And it was further resolved, that the said Treasurer should be and he was thereby authorized to loan any such moneys as he might from time to time have on hand to the board of internal improvement, for any period not exceeding one hundred days, or until the same should be required to defray the current expenses of the government.

It was evidently the intention of the legislature by the resolution, that this money should be disposed of while it could, and that it should not be left to perish in the treasury. Accordingly the Treasurer notified the board that he had placed to the credit of the fund for internal improvements, the sum of seven thousand two hundred and thirty four dollars and eighty four cents. At this time the commissioners could not use this kind of money, because the State bank had commenced paying the notes of chartered banks on the checks of the acting commissioners, occasioned by previous difficulty in paying out unchartered money.

It then became a matter of discussion among the members of the board in what manner this money could be used for the benefit of the state. It was proposed by one of the members of the board, that the acting commissioners should loan it for the benefit of the state to some responsible banks or individuals, lest it should become entirely lost by the failure of the banks. It was understood that the money was placed in the bank as a special deposit, and that the bank could not be made chargeable with either its

deterioration or total loss. Gen. Humphrey and myself, then the only acting commissioners, refused at that time to take upon us the responsibility of making these loans. The subject was discussed frequently at the board after this, and until about the first of March. The board, as such, could not by law make any loan, except to a specie paying bank. The banks of Lapeer, the Farmers' bank of Genesee county, the Farmers' bank of Sandstone and the Jackson county bank, had either become insolvent or so doubtful that they could not be used in ordinary business transactions, and doubts began to rest upon almost all that class of banks originating under the general banking law. The legislature had suspended the law under which they had been created. The state had lost several thousand dollars by the insolvency of some of them, and it was apprehended that more of them would cease to redeem even in notes no better than their own. Under these circumstances, the undersigned was induced to consent to take a part of this money; and on the first day of March, the following resolutions were adopted, all the members of the board being present, except Judge Williams.

"Resolved, That the auditor of this board be directed to draw his warrant on the State Treasurer in favor of James B. Hunt, for five thousand dollars.

"Resolved, That the sum of two thousand two hundred and twenty four dollars and eighty four cents, be paid to L. S. Humphrey, by warrant of the Auditor on the State Treasurer; the above sums being for money received by the State Treasurer and placed in the bank as a special deposit."

On the same day the above five thousand dollars was loaned by me to the Farmers' and Mechanics' bank at Pontiac, on my check on the State bank in favor of Schuyler Hodges and George W. Williams, they being the president and cashier of said bank; the check was delivered to the cashier, who applied to me for the loan for the purpose of redeeming the notes of their bank, and he gave me a receipt in the following words:

"Received of James B. Hunt, acting Commissioner, the sum of five thousand dollars, to be paid on demand at the Farmers' and Mechanics' bank at Pontiac, in such funds as shall be bankable in the city of Detroit. March 1, 1838.

G. W. WILLIAMS, *Cashier.*"

The undersigned stated to the cashier, at that time, that when they should be at Pontiac together, proper papers should be drawn and signed by the president of the bank also, to which he assented. The cashier was also informed, that the money would not probably be demanded until it should be required, during the ensuing year, to be paid on the public works. On the 6th of March, the cashier of the Bank of Oakland applied to me for a loan, of some of this money. We went to the State bank and inquired

what funds were there belonging to the state on special deposit; we were shown several packages, out of one of which the cashier selected five hundred dollars, and gave a receipt in the following words:

"Rec'd of Jas. B. Hunt, acting Commissioner, five hundred dollars, to be paid in bankable money in the city of Detroit, on demand. March 6, 1838.

G. O. WHITTEMORE, *Cashier.*"

He declined taking any more of the money, although he had applied for four or five thousand dollars. The cashier of the Farmers' and Mechanics' bank at Pontiac was in the State bank at the time, and he agreed to take the residue of the money in the bundle out of which the five hundred had been selected, being two hundred and thirty-four dollars, and gave a receipt, signed as cashier, for the same.

On the 17th of March, the cashier of the Farmers' and Mechanics' bank at Pontiac, applied for another loan for the bank and stated that the sum first advanced had been used in redeeming the bills of their bank, and that all he could redeem with this kind of money would reduce their circulation previous to the resumption of specie payments in the month of May, and by such redemptions, this loan would not increase the debt of the bank, but only change the liability. I went with him to the bank, and received from the bundle of special deposits placed there by the State Treasurer, the sum of five thousand dollars, for which my check was given, as in other instances, and a receipt substantially the same as the others given by the cashier. On the 21st day of March, he applied for the loan of another thousand dollars, which was taken from a similar bundle, and my check given to the bank and his receipt taken as before.

Previous to these last loans, I had inquired of the State Treasurer, if there was more of this money than he had reported to the board, and he stated that there was about thirteen thousand dollars, and when I made the above loans, and until some time in the last summer, I had supposed that this amount also had been transferred to the internal improvement fund.

About the 5th of April, the cashier of the Bank of Oakland made another application for a loan of five thousand dollars, and I gave him a check for that amount, on which he received only two thousand five hundred dollars, making the whole amount received by this bank three thousand dollars. In this latter case I drew a bond in the name of the president and cashier of the bank, but it was only signed by the cashier. The whole amount loaned to the other bank is eleven thousand two hundred and thirty-four dollars. One of the members of the board agreed to loan to Frederick H. Steevens, of Detroit, the sum of two thousand dollars of this money, payable in one year, with interest. When the sub-

ject was mentioned to me, I gave my check for the amount, and took Mr. Stevens' note for the same, payable in one year, with interest, at the Michigan state bank. And I also loaned to Geo. W. Williams, of Pontiac, a thousand dollars of the same kind of money, payable in one year, with interest, at the Michigan state bank—making the whole amount loaned by me to said banks and individuals, seventeen thousand two hundred and thirty-four dollars.

These loans were made in good faith on my part, and with the intention of rendering a benefit to the state. There were no personal interests or considerations connected with the transaction on my part, nor did I suppose that either the banks or the individuals would consider themselves under any obligations to me personally; any other bank or persons that I considered responsible would have obtained the same accommodation, (such as it was,) if they had made application. I was in the discharge of a duty which I owed the state, as one of its officers, in a case where no provision had been made by law to meet the special circumstances in which this money was placed. Those with whom I was associated made no objection to this course, and I presumed that no difficulty would arise to make it the subject matter of discussion, before it would be repaid and expended on the public works, and in that manner made beneficial to the state. If it had not been loaned by me, it could not have been used the past season on the public works under the law of the last session; and it is hoped that the state will not suffer any loss on account of this transaction.

When this loan was first applied for, the subject was stated to the board, and they considered it the best disposition that could be made of it, if sufficient confidence was entertained by me as to the ability of the bank. Indeed, so anxious was the board to dispose of this special deposit money, that they consented to, and did loan to the Bank of Gibraltar, fifteen thousand dollars of chartered money, on condition that they would take with it the sum of five thousand dollars of this money; and the state has still on hand of the same kind of money, some thousand dollars, which has become almost worthless.

I had the utmost confidence in the ability of the banks and individuals to whom the money was loaned. The president and cashier of the Farmers' and Mechanics' bank at Pontiac, were my bail as acting Commissioner; they had justified as such bail before the Auditor General each in the sum of twenty-five thousand dollars; the bank had given a bond in the sum of one hundred and twenty-five thousand dollars, executed by some of the most responsible men in the county, and it had been executed according to law. Nothing has since transpired to my knowledge, changing the situation of the banks or individuals, except that an

injunction has been issued against the Farmers' and Mechanics' bank at Pontiac, and a receiver appointed to take charge of its effects. The receiver has published a statement showing that the bank is in a solvent condition. Whether this loan was included in the statement when made, I am unable to state. But it is supposed that the bank and the security it has given, together with the ability of my bail, will prove a sufficient indemnity to the state.

In relation to the accounts presented to the Auditor General, I can only say, that when the resolutions of the board were shown to him, requiring him to draw his warrant in my favor for the sum of eight thousand five hundred and thirty-five dollars and twenty-five cents, he declined drawing the warrant, because, as he alleged, there was no express law authorizing either the board or an acting commissioner to pay the expenses of running the central railroad during the last winter and spring: and he also thought more wood had been purchased for the use of said road than was necessary. From the view taken by the Auditor General on this subject, the commissioners, after completing the road and purchasing the cars and engines, ought to have let the road remain idle, until the legislature should have passed some special law on the subject. Yet, strange as it may appear, he has taken the same ground himself, and without any legislative authority, he has been drawing on the internal improvement fund, without an order of the board, to pay the expenses of running the central railroad. Of the accounts presented under said resolutions, the Auditor General allowed the sum of six hundred and forty-six dollars and eighty-four cents, leaving the sum of seven thousand seven hundred eighty-eight dollars and forty-three cents, which is due to me from the state, and makes part of my overdraft at the bank. There is also due to me for expenditures on the Saginaw canal, the sum of \$729 50, which the Auditor General has also refused to allow, although the acting Commissioner and engineer on that work have stated to him that the vouchers are correct, and that the money has been paid. There is also due to me on the central railroad the sum of \$239 92, for advances paid by me while acting Commissioner on that road. The whole amounting to \$8,757 85.

Until a warrant is obtained for this amount, I cannot reduce my overdraft at the bank, caused by these payments for the state, and the loans of uncurrent money above stated.

All which is respectfully submitted.

JAS. B. HUNT.

Detroit, January 9, 1839.

Since drawing the above report, the cashier of the Farmers' and Mechanics' bank of Pontiac, has made a statement of the cir-

circumstances in relation to the loan to that bank, which is herewith submitted.

JAS. B. HUNT.

To James B. Hunt, Esq., one of the acting Commissioners of the Board of Internal Improvement:

At your request, I make the following statement of the facts connected with the loan made by you as one of the Commissioners of the board of internal improvement, to me, as cashier of the Farmers' and Mechanics' bank at Pontiac. It became desirable on the part of the bank, during the last winter, to reduce the circulation before the resumption of specie payments, which was to take place in the ensuing month of May; and I consulted with a majority of the directors of the bank as to the propriety of obtaining a loan from the state, through the board of commissioners of internal improvement. They thought it advisable. I had also learned that the board desired to have the money loaned out, which they had received from the State Treasurer, and I applied to you for the same as the cashier of that bank, as you have stated in your report to the board, which I have seen, and the loan was made at the time and in the manner therein stated. I obtained the money as cashier of that bank, and used a great proportion of it in taking up the circulation of the bank. I deposited the money that I had received of you in the bank within a few days after the same had been received by me. A question then arose as to whose account it should be placed in the books of the bank, and not knowing to what account to credit the amount, the teller of the bank placed it to my credit, and it remained in that manner until the receiver was appointed to take charge of the affairs of the bank. I will further state, that notwithstanding all the exertions made by me to exchange and loan the same, the bank or myself will lose from \$1,500 to \$1,800 in the transaction, on account of the uncurrency of the money. These sums were obtained by me in good faith and for the benefit of the bank. I supposed, and so stated to you at the time, that every dollar which I could use in exchange for our bills would save the payment of so much specie or eastern money, or drafts, in the May following; and as it was stated at the time that the money would not be required until needed in payment on the public works during the summer, I supposed there would be no difficulty in meeting the drafts of the commissioners as they should want to use the money.

It has been a matter of regret to me that it has proved otherwise, and still more so that the injunction placed on the bank has taken from it the ability to act in any way in this matter until its concerns are finally closed. But I have no apprehension that the state will lose any part of the amount loaned to the bank as

above stated, although the bank cannot at present render any assistance.

Yours respectfully,
G. W. WILLIAMS.

Detroit, Jan. 11, 1839.

(No. 4.)

Report of L. S. Humphrey, Acting Commissioner Southern Railroad and Havre branch Railroad.

To E. H. Lothrop, Esq. President of the Board of Internal Improvement.

Pursuant to instructions of the board of internal improvement, I beg leave respectfully to submit the following report; embracing a general statement of the whole operations, condition and disbursements in each department on the several works committed to my charge, from May 15th, 1837, to the present time. A portion of the first division of the southern railroad, from Monroe to Adrian, was located and put under contract previous to January 1st, 1838. The principal and only disbursements made by me during the year 1837, were on account of engineering, which on the several surveys of the southern railroad amount to the sum of \$12,336; and the surveys of the St. Joseph river, to the further sum of \$5,812. In April last, contracts were entered into for the residue of the work on the first division of the southern road, iron excepted, including the grading, drains, laying superstructure, culverts, bridges, &c., under the stipulation that the whole should be completed by the first day of January, 1839.

The work is now far advanced, (the timber being mostly laid,) and is still steadily progressing; but the unusual sickness during the past season, and a limited number of laborers who could be induced to go on the work, rendered it impossible for the contractors to perform their contracts within the time required. It is believed, however, that the work will be finished the early part of next season. In that event, the state will sustain little or no damage in consequence of the unfortunate circumstances which, notwithstanding the utmost efforts of the contractors, have retarded its progress. The superstructure on the first thirty-one miles of the road, comprising the portion from Monroe to Leroy, is mostly laid. It is constructed on vertical blocks, from eighteen to twenty-eight inches in diameter, well driven to a firm, solid bearing, and upon the top of these blocks is fitted a transverse timber with a notch or gain cut to receive a longitudinal timber not less than eight inches square; upon these longitudinal timbers is laid a

ribbon three by four inches, which, together with the iron plate, is to be spiked to the sill. The blocks are set six feet apart, longitudinally or lengthwise of the road, for the whole distance, except on three or four sections, where, after the contracts were entered into and the work commenced, indications of quicksand were found; on these sections it was deemed expedient (although at an increased expense of from three to four hundred dollars per mile) to place the blocks only four feet apart. This portion of the first division is exceedingly favorable for the plan of construction adopted, there being generally a hard clay bottom from nine to thirty-six inches below the surface, and I am confident that the road, when completed, will not be surpassed in solidity and durability by any "timbered road" hitherto constructed in this country.

The cost of completing the above portion of the road as contracted, (that is for grubbing and clearing, grading, putting in culverts, drains, laying superstructure, and finishing all the materials, except the iron and heavy bridges across Plumb creek and the River Raisin,) would amount, at the original contract prices, to \$4,500 per mile. The actual cost, however, will somewhat exceed that sum. The level surface of the country requires some additional ditching in order properly to drain the road, the expense of which was not included in the original contracts. In all cases the contracts for grubbing and clearing were taken at a very low rate, and the contractors in several instances were unable to fulfil their contracts, and consequently I was compelled to re-let the work at an advanced price. It will also be recollected that a joint resolution was passed by both houses of the legislature at the last session, suspending for thirty days, all operations on the road. The resolution above mentioned was passed at a time when the engineers were actively engaged in the surveys, and before the line was satisfactorily located in all its parts. By the operations of the resolution the engineers were prevented from making some necessary slight alterations in the line, and the contractors proceeded to perform their contracts previously entered into, on an imperfectly located line. After the expiration of the time limited in the resolution, the necessary corrections were made at a small additional expense for grubbing and clearing. The precise amount of the increased expense cannot be given, as the work is not yet entirely finished, but it cannot be very great.

The remaining portion of the first division, from Leroy to Adrian, is built upon the common plan of road, with a mudsilk tie and sawed rail, as more applicable than a block road where high embankments and deep cuttings frequently occur.

The grading from Leroy to Adrian is found to be more expensive than my wishes led me to anticipate before the commencement of the work, there being a much greater portion of the

deep excavation composed of a stiff cement of clay and gravel, or hardpan, on which the contracts require the engineer to allow an additional price per yard above common earth excavation. The whole amount of work advertised according to law and put under contract on the first division, amounts to about \$220,000.

Other expenses have occurred, as engineering, right of way, fencing, depot buildings, machinery, &c. &c. On the whole work there has been expended about \$200,000, a detailed statement of which accompanies this report.

In accordance with a resolution of the board of internal improvement, passed May 15th, 1838, I have commenced and mostly finished a commodious depot building for passengers in the city of Monroe. The ground on which the building stands was obtained free of expense to the state, but it is hardly thought sufficient in its present shape to accommodate the anticipated business of the road. I would therefore recommend the purchase of that remaining portion of the lot where the depot stands, which lies on Front and Harrison streets. A lot also has been purchased, contiguous to the above, for an engine-house, repairing shop, lumber yard, &c. The brick and other materials have been purchased and the foundation laid of a building sufficiently large to contain six engines, attached to which is a work shop for wood repairs, two forges, benches, lathes, &c. necessary for the repairs of the machinery and road.

A location for a depot has been made at Adrian on the public square, as designated on the recorded plat of the eastern addition to the village of Adrian.

It may not be improper in this place to state some of the reasons that influenced me in making the above location.

In the first place, it seemed to be entertained by many persons, that the true policy of the state was against connecting the southern railroad with that of the Erie and Kalamazoo at Adrian, in such a manner as to afford any possible facility for the transshipment of freight and passengers at that place. The present line of the southern railroad crosses the Erie and Kalamazoo road one half mile or more east of Adrian, and the contemplated depot on the southern road is about one-fourth of a mile west of said crossing and about the same distance in a south easterly direction from the depot of the Erie and Kalamazoo railroad.

In the second place, the present located line was found by actual survey to be several thousand dollars cheaper than any other route, except it might be by running half a mile along side of the Erie and Kalamazoo road in the form of a double track road, to their depot.

The inclinations of grade on the present route are much lighter than those on the Erie and Kalamazoo, they being obliged to start their trains from the depot, on an inclination of forty or forty-five

feet per mile ; besides the additional inconvenience of necessarily moving many cars by hand in loading and unloading on so great an inclination ; whereas the contemplated depot on the southern road is located on a straight line and level grade, important considerations not to be obtained on any other route than the one adopted.

In accordance with a resolution of the board authorizing me, if I should consider it required by the public interest, to construct a double track or a single one on each side of the river in the city of Monroe, I have advertised as the law directs, and received proposals for the necessary bridges across the River Raisin, and for the building of about two miles of road. The cost, exclusive of right of way, and including the bridges, is estimated at about \$25,000. No accurate estimate can be made of the right of way under the present law of appointing appraisers, but it is anticipated that it will be very considerable.

The second division of the southern railroad, comprising the portion from Adrian to Hillsdale village, has been located during the past summer. Much time has been expended in critical examination of the route. The location found most favorable, and which has been adopted, is that recommended by the engineer in his report accompanying the last annual report of the board, and it gives me much satisfaction to be able to state, that his most sanguine expectations have been more than realized. The grubbing and clearing for the second division was put under contract in September last, and is nearly finished. The contracts for the residue of the work, namely, grading, bridges, superstructure, &c., were entered into agreeably to the provisions of law, on the 10th day of October last. The whole work is now under contract, amounting to the sum of \$277,256, of which sum there has been disbursed for work performed by the contractors, about \$12,000. The work at the present time is rapidly progressing on the entire route.

The third division comprises the route between Hillsdale and the village of Branch. On this division there has for some time past been engaged a full corps of engineers, making definite surveys for a final location. Near the eastern extremity of this division is encountered a high, broken ridge of land, extending five or six miles to the north and south, on which is found the summit of the present line across the peninsula.

It was anticipated and reported by the engineer, in our last annual report, that a more eligible route might be found by some slight variation from the surveys then made. I regret to state, that further investigation and numerous surveys made, with persevering energy, by the engineer, have failed to accomplish any material improvement in the original surveyed route. In order to avoid the great expense of crossing Sand creek, on the present

line, and five or six miles of forty feet grade required in ascending and descending the summit level, a survey has been made from Hilldale, in the direction of Jonesville, intersecting the original northern survey of the southern route about half a mile west of that place, thence following nearly on the line of said northern survey, to Coldwater.

A statement and estimates of the several routes surveyed, with the requisite maps and profiles, are in preparation, and will, at the earliest opportunity, be laid before the board of internal improvement.

A re-survey of the original northern route from Centerville to Cassapolis, and thence west to the St. Joseph river, has been made by Mr. Hurd, under the superintendence of the president of the board of commissioners, and will be reported by him. The expenses of the survey have been transferred to my account, amounting to the sum of \$3,194 88, with a small balance yet due the engineer.

DUNDEE BRANCH RAILROAD.

A resolution of the legislature was passed and approved on the 6th day of April, 1838, to curve the southern railroad so as to pass near the village of Dundee, keeping on the south side of the River Raisin to Petersburg, unless it should be found, by examination, in the opinion of the acting commissioner and principal engineer, that it would better promote the interest of the state to build a branch to Dundee, in the room of making the curve in the southern railroad, and provided that the citizens of Dundee gave certain water power and lands therein named to the state. The citizens of Dundee having complied with the requisitions on their part, it was found, by actual survey, that by adopting the curve, the distance on the southern railroad would be increased more than two miles, besides curvature and other additional expenses, amounting in all, according to the estimate of the engineer, to at least forty thousand dollars; and that a branch road could be constructed to the village of Dundee, a distance of about three and a half miles, on a cheap and permanent plan, for twenty-five thousand dollars. The proposition for a branch was consequently adopted, and contracts were subsequently entered into for the entire completion of the work for less than the estimate. There has been paid for grubbing and clearing, and furnishing timber on this work, the sum of \$2,046 66.

HAVRE BRANCH RAILROAD.

The Havre branch railroad has been surveyed, located, advertised, and proposals received for contracts, but they have not been given out or the work yet commenced.

The resolution of the board authorizing the prosecution of the

work, made it necessary for persons interested to obtain the right of way, free of expense to the state, which has only been done to a very small extent. There were also circumstances which seem to have induced the general belief that the road, if made on the contemplated route, would afford little benefit to those interested in the place of its termination, and would prove an unprofitable investment to the state. It has also been repeatedly urged that alterations might, with great advantage to the public interest, be made in the location of the road, by changing the direction of the route from Havre, and running thence to Monroe.

The distance to Monroe is about two miles less than the line of the present location. By this change, the road above mentioned would be made to form a part of a contemplated route from Manhattan via Monroe, Brest, Smooth Rock and Dearbornville, to Detroit, forming a continuation of a road around the southern border of Lake Erie, by connecting with works of similar description now in progress in the states of Ohio, Pennsylvania and New York. I consider the subject an important one to the public interest, and have therefore been induced to delay the prosecution of the work and await further legislation or instructions on the subject.

The following resolution of the board was passed April 6th, 1838.

“Resolved, That the acting Commissioner of the southern rail-road be and hereby is authorized and requested to purchase for and in behalf of the state, a sufficient quantity of railroad iron to construct one hundred miles of railroad, and that he is hereby empowered to make all necessary contracts for the purchase of and transportation of the same, and to appoint such agents as he may deem proper for and in behalf of the board of internal improvement of the state of Michigan to carry into effect this resolution.”

The business of the southern road requiring my constant and undivided attention, I gave a power of attorney to Governor Mason, (who was about to go to the city of New York,) and through his aid, in connection with L. Palmer, a contract was duly entered into for obtaining the iron from Europe agreeably to the terms of the resolution, with Messrs. Hicks & Co. of the city of New York. By the terms of this agreement, the iron was to be delivered in the last mentioned city, one half in Sept. 1838, and the other half in May, 1839. No part of the iron, however, was delivered in September, but I am informed that it has since arrived and a part of it was on the way to Michigan when the navigation of the lake was closed by ice. It will, in all probability, be delivered at Monroe and Detroit on the opening of navigation. Contracts were also entered into with Messrs. Joy & Co. on favorable terms, for transporting the iron from the city of New

York, to the points where the same is required for use in this state. The contracts referred to will be duly submitted to the board.

While on the subject of agencies, I would remark that often in the course of the past season, I have been compelled to employ temporary agents or clerks to transact business at various points in the extended line of road committed to my charge, and in the business arising from so extended an operation. The meetings of the board and the claims upon my personal services away from the work, have occupied much time, and every precaution has been requisite to secure the public interest in the progress of the work during necessary absence. I have also been obliged to employ a book-keeper most of the time in the office at Monroe. These services have been paid for by me out of my own private funds. In two or three cases I have presented to the Auditor General vouchers for these claims, duly signed and sworn to by the individuals employed, but they were universally rejected by him. I wish, therefore, respectfully to present the subject to the board of internal improvement, in the hope that some equitable mode may be adopted for liquidating such claims hereafter when the service is indispensable. The law in relation to the disbursing of money, under the construction given to it by the Auditor General, bid fair at one time greatly to embarrass, if not to suspend the operations of the southern railroad. Agreeably to that construction, the contractors or other persons engaged upon the work were obliged to present vouchers duly signed personally to the Auditor General, and there make oath to the correctness of the same, before they could receive their pay. That construction, however, was not long persisted in : instead of it, the practice has been for the engineer or other persons paying for services, to make oath in the form of an affidavit to the correctness of the account presented and paid.

This course gives less trouble to the contractors, but consumes, in obtaining the necessary information at the office, in settling accounts and taking vouchers, the principal part of the time of several persons in the engineer department, besides the employment occasionally of extra services. For amounts paid by me for such necessary extra services, no allowance has been made by the Auditor. The law relating to receiving and disbursing money, as passed by the legislature, does not allow the acting Commissioner to draw more than five thousand dollars at a time, over and above the amount of vouchers audited. The monthly estimates on the southern railroad have been in some cases as high as forty thousand dollars per month. Keeping within the strict rule of this provision, the acting Commissioner would be compelled to make six or eight journeys every month to Detroit, with five thousand dollars worth of vouchers at a time, to be approved

or rejected by the Auditor General. It is readily perceived, that unless the acting Commissioner had the means of making large advances to the state, on his private account, or obtaining a credit from some source, he would not be able to fulfil the obligations of the state, by paying the monthly estimates the day that they were due, but his time would be constantly occupied in travelling to and from Detroit, to the neglect of every other kind of business on the road.

RIGHT OF WAY.

The present mode of appointing appraisers, in my judgment, is very defective, there being a separate board of appraisers appointed for each claimant, a majority of whom are, in general, selected among the neighbors and friends of the claimant; there is no equality or uniformity in the appraisals, and in many instances the amounts given for damages have been, in my opinion, very exorbitant.

While the present system continues, I am satisfied that the state must be compelled to pay sums altogether disproportionate to the actual damage suffered by the claimants. Every endeavor has been made by me to obtain the right of way without cost to the state, and in many instances with success; but there are individuals who, although they proffered the privilege of passing through their lands, before the location, now present claims for damages; and others whose releases were first obtained, on account of some slight variation from the first line, now demand remuneration. It is to be hoped that the legislature will, by some salutary provision on the subject, and without violating the rights of individuals, abolish this great difficulty, which now stands in the way of our public improvements.

In the early part of the season, I received from the state treasury out of the internal improvement fund, (placed there by a joint resolution of the legislature,) bills on several of the safety fund banks, authorized under the general banking law of Michigan. The bills at the time they were received out of the treasury were uncurrent, and were paid out with the knowledge of the fact, accompanied with a promise that if the contractors and others receiving them could not use the money, I would receive it again in exchange for better funds as soon as possible, as it was the only funds I could obtain from the treasury at the time, and the work, already retarded, must have been entirely suspended unless the money could have been used. I received of the Treasurer and paid out several thousand dollars of the above moneys; of this amount there has been returned to me and is now in my possession, three hundred and fourteen dollars and sixty-five cents, which I have charged in my account to the state of Michigan.

The same is now at the disposal of the board of internal improvement.

Annexed will be found a statement of the sums disbursed by me on each kind of work on the several improvements committed to my charge, and also the whole amount drawn by me from the treasury previous to the first day of January, 1839.

In closing this report, I feel bound to acknowledge the services of the engineer department, and particularly those of the principal engineer, to whose perseverance and ability the state is indebted for urging forward with a commendable energy, one of our most important public improvements, and to whose assistance I am indebted for much of the important data contained in the above report.

All which is respectfully submitted.

L. S. HUMPHREY,
Acting Commissioner Southern Railroad.

State of Michigan in account with L. S. Humphrey.
Dr.

1837. 1839.

May to July.	To engineering and superintendence, &c. southern railroad,	\$37,057 80½
	engineering under E. H. Lothrop on Cassopolis route,	3,194 88½
	engineering St. Joseph river,	5,812 22
	engineering Havre branch,	910 84½
	grubbing and clearing,	20,065 49
	superstructure, grading and ditching,	143,994 22
	bridging,	20,873 18
	fencing,	1,235 26
	right of way,	6,680 05½
	depot buildings,	5,918 63
	engineering instruments,	919 30
	machinery and car,	204 50
	contingencies,	1,504 19
	uncurrent money on hand,	314 65
		<hr/>
		\$248,685 22

Cr.

1837.		
May 18.	By cash,	\$10,000 00
Aug. 30.	"	10,000 00
Dec. 31.	"	10,000 00
1838.		
Mar. 1.	"	2,224 84
		<hr/>
	Carried forward,	\$

	Brought forward,	\$
Mar. 9.	By cash,	10,000 00
April 7.	"	30,000 00
Dec. 31.	By cash at sundry times by order of the board up to date,	177,115 34½
		<hr/> \$249,340 18½

(No 5.)

Report of Rix Robinson, Acting Commissioner River Improvements and Sault Ste. Marie Canal.

To the Honorable the Commissioners of the Board of Internal Improvement.

GENTLEMEN: Herewith I lay before the board the report of the chief engineer having charge of the public works under my supervision, and in doing so, I beg leave to accompany the same with the following remarks and statements, to wit:

The moderate amount of expenditures made in the improvement of Grand river this season has been, from certain causes, deemed most advisable and economical.

First. Owing to the advanced season of the year, suitable for carrying on said work, before the board of internal improvement were organized, and acting Commissioners appointed to take charge of the works assigned to them respectively: and the fact that the improvement of Grand river was a work newly to be commenced, made it necessary that a considerable machinery, consisting of scows, pile drivers, dredging machines, &c., should be constructed before the work could be put in progress with energy and economy. The above circumstances, combined with the sickness so prevalent throughout the country, all have had their tendency to retard the operations in the above work; and inasmuch as a portion of the work in the improvement of Grand river being of a different nature from the ordinary manner of improving rivers or streams, from the circumstance of the bed of the river being composed of quicksand, where dredging or deepening the channel was necessary, it was thought by the chief engineer, and myself, that the expenditures should not be lavishly made, until we had the experience of one season, in order that the plan of operations might be altered the ensuing year, without any serious loss of expenditures, if found necessary.

Nothing, however, has yet occurred to cause a belief that our plan of operations will not succeed to our most sanguine expectations. The amount still remaining unexpended from the moneys heretofore appropriated on Grand and Maple rivers, it is

thought, will be sufficient to pay the expenses of improving Grand river, so as to make it navigable for steamboats of considerable size, from the mouth of Grand river to the junction of the Maple river, and that a considerable amount of the same may be expended on the Maple river, as was contemplated by the survey and estimate heretofore made in 1837, excepting the passing of the Grand Rapids on Grand river, which at present forms a complete barrier to the navigation of the same at that place.

It is believed that a further appropriation of \$45,000 would be amply sufficient to construct a canal around said rapids, with locks of sufficient size to admit the passing of steamboats and other craft now navigating said river; and in my humble opinion, the public good and interest of the state most strongly demand such an appropriation should be immediately obtained, and the works put in progress as soon as possible. Many sound reasons might be adduced in favor of this object, that are deemed unnecessary on this occasion to insert in this report. By reference to the map of the country, you will readily perceive the relation this work bears to other works of internal improvement now in progress, which combined with the local situation of the country, all go to show the necessity of the above improvement being made as early as practicable. It is also believed that a further appropriation on Maple river, of an amount agreeable to the estimate of the engineer who made the survey in 1837, would be amply sufficient for the completion of said improvement on that river; and I would also suggest the propriety of that appropriation being made separate from other appropriations, or in conjunction with the Saginaw canal, it being an appendage of that work.

A reference to the contracts entered into by me with Messrs. Hantz & Baldwin, also Henry Daine, for the improvement of Grand river, (a copy of which has been filed in the office of internal improvement,) will show that the time has expired in which said contracts should have been completed. The prevailing sickness through this section of country, has bore hard on said contractors, and prevented their making that progress in their work they undoubtedly otherwise would have done. All of them have expressed a perfect willingness to complete their jobs of work as soon as the weather will permit, and the water be in a situation that they can work to advantage. Should any of them, however, abandon their contracts, I am well satisfied that the work can be done, and new contracts made for the amount of money which will be liable to be paid to the present contractors on the completion of their respective jobs. Nothing has transpired to cause a belief that the contractors on the Sault Ste. Marie ship canal will not be ready in the coming spring to enter on their works with energy, agreeable to the spirit of said contract.

The following statement will show the amount of expenditures on all of the public works under my care, up to the 31st of December, 1838, to wit :

Expenditures on Grand river,	\$13,996 58
" Kalamazoo river,	3,023 07
" Sault Ste. Marie canal,	794 48
	<hr/>
	\$17,814 13

All of which is respectfully submitted, by

Your ob't servant,

RIX ROBINSON,

Acting Commissioner on Kalamazoo, Grand and Maple rivers, and Sault Ste. Marie canal.

(No. 6.)

Report of John Almy, Chief Engineer on the River Improvements and Sault Ste. Marie Canal.

To the honorable the Commissioners of the Board of Internal Improvements of the State of Michigan.

GENTLEMEN :—I have the honor to transmit through the Hon. Rix Robinson, acting Commissioner, a report of the progress and condition of the several public works under my charge.

By a resolution of your honorable board in May last, the following public works and improvements were assigned to me for superintendence, to wit :

The improvement of the navigation of the Kalamazoo river,

The Grand and Maple rivers,

And the construction of Sault Ste. Marie ship canal.

In pursuance of my appointment to these responsible duties, steps were taken to prepare and put under contract, at as early a date as possible, such portions of the contemplated works on the respective rivers, as could be consistently done by this mode of procuring work to be executed. Preparatory, however, to letting jobs, it was deemed expedient to examine such portions of the rivers as were designed for letting, to the end that the acting Commissioner might be furnished with a more full and complete inventory of the number, magnitude and extent of the obstructions which it might become necessary to remove.

Mr. H. S. Miles, who had assisted me in making the previous surveys and examinations of the Kalamazoo river, and whose intimate acquaintance with its condition well qualified him for the discharge of such a duty, was employed by me to re-examine said river, from Allegan to its mouth, and with as much despatch as

was consistent with the nature of the service and its faithful performance, to note and return a full and complete inventory of the existing obstructions in the bed of the stream, and in addition thereto, to designate and mark such of the leaning and stooping trees on the banks as were in danger of falling in, or which would interfere with the navigation by coming in contact with the pipes of a steamboat, or the spars of other craft.

The expenses, as estimated by me on a former occasion, for making improvements in the Kalamazoo river, from its mouth to the village of Allegan, a distance of thirty eight miles, was seven thousand seven hundred and ninety-nine dollars. This amount I then deemed abundantly sufficient for doing all that could be done in the way of making this portion of the river navigable for the description of craft usually employed in the business of transportation in canals or rivers. Mr. Miles' report on the condition of the river, on a re-examination, did not furnish any grounds for a change of opinion as regards the practicability of doing what was contemplated under the estimate, and the appropriation of the legislature for this object.

On the seventh of July past, in pursuance of notice duly given by the acting Commissioner, a contract was entered into with G. S. Porter and R. Saunders, for the improvement of the Kalamazoo river, from its mouth to the village of Allegan, for the sum of four thousand six hundred dollars, payable by instalments, in proportion as the works should progress. The labor stipulated to be done by Messrs. Porter & Saunders, consisted of the removal of such stooping and leaning trees from the banks, as had been marked and designated for that purpose, together with all deposits and jams of flood wood, all snags and sunken logs from the bed of the same, according to an inventory or schedule of the same, exhibited at the time of letting said contract.

Although the past season, owing to the low state of the water in the rivers, has been favorable for this description of work, yet the contractors have experienced great embarrassments in the prosecution of their labors from the prevailing sickness of the country.

In the month of November past, the engineer to whose special care I had committed this portion of river improvements, completed an estimate of the labor which had been done on said river, by which it appeared that the contractors had performed two-thirds of all the work contemplated or intended to be performed under the contract aforesaid; and thereupon, as per agreement, the contractors were paid by the acting Commissioner two instalments, amounting to the sum of \$2,300.

The following statement will show the board what progress has been made towards the accomplishment of the object for which the public funds have been appropriated, and by compar-

ing the amount of labor done with what remains to be done, an opinion may be formed as to whether the appropriations made by the legislature will cover the total cost of making the contemplated improvements, according to my former plan of improvement. Twenty-two miles has been thoroughly cleared out from floodwood, snags and sunken logs; six miles more has been partially improved, by sawing and chopping in small pieces the floodwood and jams, a great portion of which, if not all, will move off with the first fresh, leaving a distance of ten miles out of the thirty-eight, the distance from the mouth to Allegan, on which, also, something has been done in the way of trimming banks, &c. The balance of labor still to be performed, in order to fulfil their obligations, is estimated to be equal to one third of the whole contemplated amount of labor, and when done, they will be entitled to the further sum of \$2,300, being the last instalment—from which it would appear that even though they should abandon the further prosecution of the work, and the acting commissioner should be compelled to relet the balance of the job, that the appropriation made by the legislature will be sufficient to meet all contingencies on this portion of the river.

GRAND RIVER.

In regard to the progress of the public improvements on Grand river, I have to say, that measures were adopted at as early a date as possible to prepare some portion of the river for letting by contract. With this view I caused re-examinations and surveys to be made of that part of the river above the rapids, extending to the mouth of the Maple, and divided the same into sections or divisions of from seven to five miles each. The acting Commissioner proceeded in pursuance to notice, to let out jobs in the early part of August, and did let to Messrs. Hantz and Baldwin, divisions No. 4, 5 and 6, to improve, embracing a distance of about 20 miles, extending from the mouth of the Maple to Hoag's landing, so called; at the same time a contract was let to Henry Daine for divisions No. 2 and 3, extending from the termination of Messrs. Hantz & Baldwin's job, to the mouth of the Thornapple river, a distance of about 15 miles.

The labor agreed to be performed by Messrs. Hantz and Baldwin, consisted of the reduction of several bars of sand and gravel, removing the snags and driftwood from the bed of the river, and leaning trees from the banks, &c. One of the most formidable obstructions, and one on which a large amount of labor has been done in a most satisfactory manner, is a bar at the mouth of Prairie creek. This bar has heretofore formed a serious and at certain stages of the water, an insurmountable obstacle to the navigation of the river. This has been so far improved by excavating a channel seventy-five feet in width through its whole length, that

except at an uncommon low state of the water, boats of the ordinary draft employed on this river in transportation can pass over the same without difficulty. The contractors have operated with more or less success on the other portions of the river where similar labor was required. The past season in one respect has been uncommonly favorable for such operations, owing to the low state of the waters, but on the other hand, the contractors have been prevented from progressing with their labors as fast as was anticipated, by the prevailing sickness in the country; yet notwithstanding, such progress has been made, as to leave no doubt of their ability to complete their respective jobs in a faithful and satisfactory manner; provided a reasonable time is allowed for that purpose.

The amount of work done by the aforesaid contractors up to the first day of December inst., will not vary much from the following statement, to wit; 3,292 yards of material excavated from the bed of the river; 42 snags and sunken logs taken from the same; 46 leaning trees removed from its banks, besides a large amount of extra work in building wings, &c. which is in all probability full two-thirds of all the labor agreed to be done by them.

The next obstruction, being one not much inferior to the Prairie creek bar, which has also been successfully operated upon by the contractor, is the bar at the mouth of Flat river, and is embraced in the divisions let to Henry Daine. This bar is composed of coarse gravel and sand, mingled with some large stone, and extends a distance of about 700 feet from the mouth of Flat river up Grand river. A channel has been formed through the whole length of this bar, averaging 75 feet wide, and a sufficient depth of water, equal to what was deemed necessary, as the water was when I made the examination and reported thereon to your honorable board on a former occasion. Few seasons within the recollection of those who have been the longest familiar with this river, has the water been so low as during the summer past; and it is probable that more labor will have to be expended on this bar, as well as other similar obstructions, in order to meet such a contingency.

The amount of labor performed by Mr. Daine on his divisions up to the first of December instant, when an estimate was made for him, is as follows, to wit: 1,313 cubic yards of excavation at Flat river bar, besides several items of labor in removing snags and rock from the bed of the river, and leaning trees from the banks.

The progress made in the reduction of the above mentioned bars, together with what has been done by the several contractors in removing snags, driftwood, &c. from the bed of the river, has already made a great difference in this stream as regards its usefulness as a medium of transportation; and if at any time

doubts have existed in the mind of any one as to the practicability of making this river navigable to the extent contemplated, these doubts, I think, must yield to a thorough conviction, not only of the practicability, but of the utility and value of the present improvements from a view of what has been done.

A large amount of labor has also been done below and at the foot of the rapids, in removing bars, driving piles and raising rock out of the principal steamboat channel; these improvements have been made by day's labor, as it was found impossible to procure the work to be done in the ordinary way of letting by contract. By this system of operation some very difficult and important obstructions have been abated, with as much economy as could have been done by any other mode of operation. A considerable portion of the season had elapsed before the necessary conveniences for facilitating the labor on the works could be procured.

It was found necessary to construct scows, some with and others without cranes, a pile driver and other machines for the use of the public works, a sufficient number of which have been constructed and are now on hand; their usefulness has been tested in sundry difficult operations.

The expensive mode of removing sand bars and alluvial deposits in ordinary way, suggested the idea of using something in the nature of a dredging machine, to be propelled by horse power; plans and drafts of a machine for this purpose were submitted by me to the acting Commissioner, and with his concurrence and approbation, an engine of this description was finished in season to test its usefulness for its object. Its operation more than answered our sanguine expectations on the first trial, and unless a further and more thorough trial of its ability should detect some radical defect, its ability to perform this species of labor, will diminish to a very great degree the expenses of making certain improvements in this river, as well as others.

Having in a summary way given an outline of the progress and condition of the public works on Grand river, a few remarks may be deemed essential in the way of recapitulation. By the foregoing it will appear that upwards of 30 miles of Grand river, extending from the mouth of the Maple down to the mouth of the Thornapple, has been put under contract; that two of the most difficult bars have been excavated to nearly the proper depth, as well as others of minor importance, and in addition thereto, a vast amount of sunken logs, snags and floodwood, has been removed from the bed of the river. The probable amount of money which will be expended, (including what has already been expended) in order to complete this portion of the river, will not exceed the sum of seven thousand dollars.

MAPLE RIVER.

Nothing has been done on the Maple river this season, and it must be evident to the board that the improvements contemplated on this river did not demand immediate attention. Its usefulness or importance as a channel of communication, depending upon the successful completion of other improvements, and when further progress has been made in the construction of the northern canal, and the improvement of Bad river and the Grand river, so as to leave no doubt as to their utility, then it will follow as a matter of course, that the Maple river should also receive that attention due to so important a connecting link of internal improvement.

SAULT STE. MARIE SHIP CANAL.

This portion of the public works was prepared for letting in the month of August, and in pursuance to notice, the acting Commissioner did let all of the upper level of said canal on the seventh of September last, at the city of Detroit, to Messrs. Smith and Driggs, of the city of Buffalo. Owing to the advanced state of the season suitable for such operations, the contractors deferred entering upon the execution of their work until the ensuing spring. The construction of this portion of the canal will absorb all the appropriation heretofore made by the legislature, and probably more.

There still remains of this work to be put under contract, the two locks; but before this portion of the work is let, I think it will be necessary that some action of the board should be had as regards the magnitude and dimensions of the same. When the estimate was made by me on a former occasion, it was based on such dimensions as were believed to be sufficient to accommodate the largest class of sail vessels on the lakes. It has been suggested, however, by some, that such dimensions should be given as to admit the passage of steamboats also. This is a subject that should receive attention from the board or the legislature, as an increase of the magnitude of the locks for the latter purpose must necessarily increase the expense of their construction. The engineer does not hesitate to assume all the responsibility, when he is not required to depart from the plans heretofore presented, but when it becomes a question whether the locks shall be increased to the magnitude necessary to embrace the largest steamboats on our lakes, and thereby swell the amount necessary for their construction, he feels authorized to leave that decision to those who have all such works under their supervision.

All of which is respectfully submitted, by your ob't serv't,

(Signed)

J. ALMY, *Engineer.*

Grand Rapids, Dec. 17, 1838.

(No. 7.)

*Report of Wm. A. Burt, Acting Commissioner.**To the Hon. E. H. Lothrop, President of the Board of Internal Improvement.*

SIR: In pursuance of the several resolutions of the board of internal improvement, instructing the acting Commissioner on the northern railroad and Saginaw canal to make expenditures on the said works respectively, I proceeded at as early a period as practicable, in the discharge of the duties entrusted to me by said resolutions, and of my doings in the premises, respectfully report as follows:

That I prepared, advertised and let to contract as soon as consistent with the giving of proper public notice, the clearing and grubbing of all that part of the northern railroad lying between the village of Port Huron, on the River St. Clair, and the village of Lyons, on Grand river, a distance of about one hundred and thirty miles, and the grading of ten miles of said road extending east from the village of Lyons, and four miles extending west of the village of Flint, the proposals and contracts of which are on file in this office. All of which contracts are now in progress of completion.

It is due to the importance of this part of the public works to state, that a large portion of it west of Belle river passes through a far more rich and productive district of country than has generally been anticipated, and it is believed the efforts now making to settle and improve this comparatively new and unsettled part of our state, will be crowned with speedy success, and when done, the northern railroad will rank among the most important improvements of the state. And it should not be forgotten that this road connects the head of the navigable waters of Grand river with Port Huron, the distance between the two points being about one hundred and thirty miles, making this the shortest railroad projected by the state, and which need not be extended at the present.

Gratuitous releases for the right of way have been obtained to a large extent on the northern railroad, mostly by J. R. White, special agent, whose statement of that service accompanies this report. In consequence of the advanced state of the season when the present Board of Commissioners were organized, the great length of road surveyed and prepared for contract, and the unimproved state of the country through which it passes, much exertion has been required on the part of the acting Commissioner and engineer to bring this road into its present favorable condition, The amount of each contract and the work done upon the same

will fully appear by the statement of Tracy McCracken, chief engineer in charge of said work, herewith submitted.

It should be mentioned that an error was inadvertently committed in the contract entered into with Thomas J. Drake, for grading ten miles on the line of the northern railroad, extending east from the village of Lyons. In that contract it was stipulated that said Drake should receive thirteen per cent for each cubic yard of embankments where the earth was not taken from the road way excavations. It was, however, understood between the parties to this contract, that he should receive two cents per cubic yard in addition thereto, for moving earth into embankments for each one hundred feet after the first one hundred feet, which error was not discovered at the time of executing said contract.

The amounts of expenditures on the northern railroad from December 31st, 1837, to December 31st, 1838, are as follows, and as entered on the books in this office :

Clearing and grubbing,	\$3,906 00
Engineering,	8,355 18
Contingent expenses,	511 26
	<hr/>
	\$12,772 44

In reference to the Saginaw canal, I would state that I have let to contract so much of that work as the appropriation thereon would warrant, as heretofore reported to this board. This work is now progressing with much spirit, and will probably be completed on or before the expiration of the contract.

The contract entered into with Alpheus Williams, by the late acting Commissioner on the Saginaw canal, for excavating, clearing and grubbing, &c., on said canal, has not been complied with, and the said Williams has refused to prosecute the said work, alleging certain errors in the stipulations of said contract ; consequently the contract entered into with Keeney & Farrand to construct a lock and dam on the aforesaid work, could not be completed, subjecting said Keeney & Farrand to much inconvenience and loss, for which they claim damages of the state. This subject is respectfully submitted to the board for their action thereon.

By a resolution of the board, the acting Commissioner on the Saginaw canal was authorized to change a portion of the improvement of Bad river to an independent canal along its banks. The change contemplated has been made, and it is believed with much advantage to the state. By constructing one lock of nine feet lift instead of three locks with three feet lift each, with dams as contemplated by the river improvement, a valuable water power has been gained to the state.

By constructing the locks with three feet lift each, with the dams as first proposed, a large quantity of rich alluvial bottom

would be nearly destroyed or very much injured by the flooding of the water, and the state subjected to heavy claims of damages for the injury to the same. The change has avoided these claims.

The statement of the engineer in charge of the Saginaw canal, herewith submitted, will show the state and condition of that work.

The amounts of expenditures on the said canal, from December 31st, 1837, to December 31st, 1838, as entered on the books in this office, are as follows:

Engineering,	\$5,027 92
Grubbing and clearing,	2,031 00
Excavating and embankment,	606 62
Locks,	231 02
Contingent expenses,	259 39

\$8,155 95

In the fall of 1837, four thousand six hundred and eight dollars and twelve cents' worth of provisions were purchased by James B. Hunt, late acting Commissioner on the Saginaw canal, sent to Saginaw and placed in the charge of G. D. Williams, one of the late Commissioners, for the purpose of supplying the contractors with provisions, and deducting the amount from their estimates.

In accordance with the arrangement, James Keeney, contractor, has received in provisions the sum of \$715 14, and the amount has been deducted from the payment of his estimate. Alpheus Williams, contractor, has received in provisions the sum of \$641 78, two yoke of oxen, at \$135 00, and twenty-five blankets, to be appraised, exceeding the amount of his estimates by about \$340. The said oxen and blankets were the property of the state, and furnished the said Williams by the late acting Commissioner.

The engineer corps has received in provisions the sum of \$208 26.

The above statements relative to the provisions, &c., are as reported to me by the late acting Commissioner and engineer on said canal.

All of which is respectfully submitted,

WM. A. BURT, *Acting Commissioner.*

DETROIT, Dec. 31st, 1838.

To the Acting Commissioner of the Northern Railroad—

Sir :—I would respectfully beg leave to submit to you, for the information of the board of internal improvement—that I have, in pursuance of an act approved March 28th, 1838, authorizing the Governor to appoint special agents to take the acknowledg-

ment of deeds, cessions and grants of lands, to the people of this state, for the purposes of internal improvement, proceeded to the discharge of the duty assigned me by the Governor.

In order to prosecute the work to advantage, I found it necessary to obtain from the several land offices, transcripts exhibiting the original surveys, with the separate parcels of land sold by the United States to individuals residing in and out of this state, that were located upon the line of the northern railroad.

From the extent of the line of road, (one hundred and thirty miles,) it has necessarily occupied much of my time in preparing plats, and in obtaining the places of residence of the numerous persons owning lands located upon the line. In passing over the route, I have confined my labors, thus far, to those points where, in my opinion, there would be the greatest difficulties to encounter, from damage to private property, from local considerations, and where the difficulty would naturally increase by delay.

So far as I have been able to see the resident owners of land upon the line, I have been successful in obtaining from them generally, their relinquishment of lands through which the road must pass. There are, however, some exceptions, but those persons claiming damages, are comparatively few, and the damage they sustain will be slight, if any.

Having been attacked by the disease so prevalent through this state, the past summer, I was unable to enter upon my duty until the last of October, but from the success attending my labors for the last two months, I think I may venture to assure the board, that the right of way can be obtained in due time, on the entire line of the northern railroad, without the payment of damages to persons owning lands thereon, otherwise than for the construction of fences and suitable passage ways, at such points upon the road as shall be deemed necessary to accommodate individual interest.

J. H. WHITE, *Special Agent, &c.*

To Wm. A. Burt, Esq.

(No. 8.)

Tracy McCracken's report—Saginaw Canal.

To the Hon. W. A. Burt, Acting Commissioner—

Sir:—In compliance with your request that I should report what has been done upon the Saginaw canal previous to, and since I have acted as engineer of that work, the following statement is submitted.

The preliminary surveys were made by or under the direction of Mr. C. F. Smith, who reported upon one entire line, and upon

two lines for a distance of about six miles. In one of these lines it was proposed to improve and use Bad river above the fork of that stream, by means of dams and locks, and excavating, when necessary, the bed of the river. The other line was for a canal not dependent upon the river any further than as a feeder.

It appears that the improvement of the river was adopted, and contracts let for that purpose on the east two sections, in the month of December, 1837. One contract was for the construction of a lock and dam, and was let to Messrs. Keeney & Farrand, to be completed on or before the first day of July, 1838. Another is with Mr. Alpheus Williams, in which it is stated that he should complete two sections of the canal, and subjects him to such changes in the line as might from time to time be made by the engineer. This contract included the excavation necessary for the lock and dam, which Messrs. Keeney & Farrand had contracted to complete by the first of July; but Mr. Williams had, according to his contract, till the first day of January to finish the excavation required, before the lock and dam could be completed.

Messrs. Keeney & Farrand claim damages in consequence of the lock pit and excavation necessary for the foundation of the dam not being done, which they assign as a reason for the non-fulfilment of their contract. Mr. Williams states (and it is admitted by the then acting Commissioner) that it was not supposed at the time these contracts were let that he was to clear, grub, excavate and complete these two sections as is stated in the contract, but that it was understood by both parties that he was only to do the clearing, grubbing, and excavate the lock pit and about eighty rods of the canal. Estimates have been made of the amount of work done upon these contracts, which estimates amount to \$, which has been paid.

Soon after my appointment upon this work, and before I had been upon the line of canal, a contract was let to Mr. Little to complete about four miles of the river portion of the canal, or so much as was not then under contract, and one section of the independent canal. Prior to the commencement of this contract, and after passing over that part of the route in which it was intended to improve and use the river, I was induced by facts which are hereinafter stated, to recommend a separate canal above the fork of Bad river, which has since been adopted. In this change no loss will occur to the state by claims for damages from the contractors, nor for money expended, with the exception of the amount paid Mr. Williams on contract per estimates, which does not exceed five hundred dollars.

The cost of improving and maintaining the navigation of the river for ten years, it is believed, would much exceed the sum re-

quisite for the construction and maintaining for the same length of time the navigation of an independent canal.

Above the fork the river is crooked and narrow, being filled with sandbars, snags and floodwood; it was designed to improve it by removing these obstructions and constructing three dams and as many locks three feet lift. By the erection of these dams, a large portion of the river flats would, in an ordinary stage of water, be overflowed; by substituting an independent canal, two dams and two locks have been avoided, and the lockage thrown into one lock of nine feet lift.

From Saginaw bay to the fork of Bad river, a distance of forty miles, the expense will not exceed fifty dollars per mile to render the river navigable for steamboats drawing four feet water.

Mr. Little has cleared, grubbed and excavated a part of three sections of the canal, and has now about fifty men upon the line.

No surveys have been made within the last year west of the line under contract. It will probably be found necessary to extend the canal about four miles farther down the Maple river than was contemplated in the original survey and report. It is estimated that one hundred and fifty thousand dollars will complete that portion of the canal not now under contract.

The maps and profiles of the canal are, with the exception of binding, now completed on a scale of six inches to the mile.

Respectfully submitted.

TRACY McCracken, *Engineer.*

Detroit, January 15, 1880.

(No. 9.)

Tracy McCracken's Report—Northern Railroad.

To the Hon. William A. Burt, Acting Commissioner.

SIR—The following abstract is submitted of the condition and progress of the work upon the northern railroad.

The line from Port Huron to Lyons, a distance of one hundred and twenty-nine miles and ten chains, has, in compliance with resolutions of the Commissioners, been located and placed under contract for grubbing.

The location of so great a portion of the route, within the last six months, has necessarily employed a large corps of engineers, but I have endeavored to economize as much as possible, the expenses of this department. The whole number of assistants at present engaged, including chainmen, rodsman and draftsmen, is but seven.

The location of the whole route, corresponds very nearly with the line laid down upon the map from the experimental surveys.

The contracts for the clearing and grubbing, from Port Huron to Lapeer, were commenced in the month of July, and were to have been completed on or before the first day of January, eighteen hundred and thirty-nine. About one half of the clearing and grubbing yet remains unfinished, and with the present force upon the line, cannot be completed in less than four months.

The line from Lapeer to Flint was located in the month of October. Several routes were examined previous to the final location, and a much cheaper line to grade has been obtained than the one estimated upon from the preliminary surveys.

The clearing and grubbing of this section has been commenced and probably will be completed by the time specified in the contract.

For the better accommodation of the village of Flint, the line has been forced from a direct course to the north, thereby increasing the distance and curvature. It was represented at that time that those interested in its location there, would afford every facility in their power, in obtaining the right of way, and releasing lands belonging to them, when necessary for the construction of the road, depot, &c. These expectations have not been realized, but on the contrary, the owners of land where the line was located, claim large damages. In consideration of these facts, another line has been run further south, which line is about ten chains shorter, and it would cost to construct the road upon it about one thousand dollars less than upon the north line. I should, however, recommend the latter line, provided the right of way and ground sufficient for a depot can be obtained on reasonable terms. If this cannot be effected, it will probably be advisable to change the present location and take the south route, if upon that line no more difficulty should occur in obtaining releases than is at present anticipated.

The length of the eastern division, which extends from Port Huron to Flint, is sixty-four miles and seventy-three chains.

The length of the middle division, which extends from Flint to Lyons, is sixty-four miles and seventeen chains.

The clearing and grubbing of this division was commenced in the month of August. Contracts have been let for the grading of the east four and west ten miles, which grading was commenced in the month of December.

All the deep cuts and embankments upon the middle division have been let in the above named contracts. The grade line crosses at an elevation of about forty feet, the bed of the Thread and Stoney creeks. It is proposed to build abutments about twenty-five feet high and upon these to place bridges with the track upon their tops, and embank the valleys of these streams.

Should it be determined to construct the abutments at the Thread of stone, about two hundred and seventy cords will be re-

quired for that purpose, a part of which may be obtained in the vicinity, and the balance quarried from the banks of the Flint and boated a distance of eight miles up the river.

It is estimated that one hundred and fifty thousand dollars will complete the grading of that part of the middle division not now under contract.

A block and pile road is proposed for the first thirty miles of the eastern division; the expense of grading this division it is believed will not exceed the original estimates.

Maps and profiles will be completed by the 20th of this month of the located line from Port Huron to Lyons.

Respectfully submitted.

TRACY McCracken, *Engineer.*

January 11, 1889.

Expense of clearing and grubbing the eastern division as per contract,	\$15,370 00
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For clearing and grubbing the middle division,	14,834 31
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Total for clearing and grubbing,	\$30,204 31
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For grading four miles from Flint west,	20,000 00
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For grading ten miles, from Lyons east,	35,000 00
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Total,	\$85,204 31
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This sum is exclusive of the expenditures necessary for the construction of culverts and bridges, which will amount to ten thousand more.

(No. 10.)

Opinion of the Attorney General in relation to the construction of the Internal Improvement act as amended.

OFFICE OF INTERNAL IMPROVEMENT, }
 Detroit, May 17th, 1898. }

SIR:—The opinion of the Attorney General is requested on the following points:

First. Does the act entitled "An act to amend an act for the regulation of internal improvement," &c., passed 6th April, 1838, transfer *all* the duties of the auditor of the board of internal improvements to the Auditor General?

Second. Can the Auditor General audit any other accounts than those of an acting or other Commissioner, for disbursements of money advanced to him by order of the board, under the 2d section of the act above referred to?

Third. Are the accounts and claims of individuals for work performed on the several roads and canals, and materials furnished,

when certified as correct by an acting Commissioner, to be audited, and the warrant for the amount found due to be drawn by the auditor of the board on the Auditor General?

Fourth. Can an acting Commissioner certify accounts and claims for work performed or materials furnished, have them audited by the auditor of the board, and when thus audited, can the auditor of the board draw his warrant directly on the Treasurer for the amount, without the acting Commissioner first asking an *advance* to him, or having any money pass through his hands?

Fifth. In case an advance of money shall be made to an acting Commissioner, by the Auditor General, by virtue of the second section of said act, to be disbursed by said acting Commissioner, must each account be audited by the Auditor General, before it can be paid by said acting Commissioner; or may not the acting Commissioner disburse the amount thus *advanced* to him, by paying said accounts, first satisfying himself that they are correct, and taking duplicate receipts therefor?

Sixth. Does not the original "act for the regulation of internal improvements," &c., and the act amending the same, authorize the acting Commissioner to disburse the moneys advanced to him from time to time, by order of the board, he taking duplicate receipts for the same. And is not his account for such disbursements, accompanied by such duplicate receipts, the only account which the act contemplates the Auditor General shall audit?

Seventh. Does not the law provide two modes of disbursing money on the public works; one by having the accounts of individuals audited by the auditor of the board, he drawing his warrant directly on the Treasurer, and another by the advance of money to an acting Commissioner when he may desire it, or when it shall be considered necessary, to be disbursed by him in the manner stated above?

Eighth. By whom are the accounts of the Commissioners of internal improvements for services as such, or for their salary, to be audited, and on whose warrant are these accounts to be paid?

By order of the board.

E. H. LOTHROP,

Pres. Board of Internal Improvements.

PETER MOREY, Esq., *Attorney General.*

ATTORNEY GENERAL'S OFFICE, }
Detroit, May 28th, 1838. }

The following opinion is submitted in reply to the inquiries of the board of internal improvements, of the 17th inst.

First. The answer to the first inquiry is obvious. The eighth section of the act of April last, merely repeals so much of any

existing law as may contravene the provisions of that act. And the first section provides that "all accounts for disbursement of moneys made by any acting or other Commissioner, instead of being audited by the auditor of the board, as heretofore, shall be audited by the Auditor General." If, therefore, there is any provision in the former law making it the duty of the auditor of the board to audit accounts other than those of an "acting or other Commissioner, for disbursement of moneys," such provision must unquestionably still continue in force, and the auditor of the board would still have duties to perform distinct and separate from those transferred as above to the Auditor General.

By reference to the eighth section of the act for the regulation of internal improvements, and for the appointment of a Board of Commissioners, it will be found that the auditor of the board is required to audit a certain class of accounts and draw his drafts for the balances found due directly on the Treasurer of the state, who is authorized to pay the amount of such drafts to the person or persons entitled to receive them, without any money whatever passing through the hands of a Commissioner.

It will hardly be urged, I should think, by any reasonable person, that the class of accounts above referred to are transferred to the Auditor General for examination by the words, "all accounts of acting or other Commissioners for disbursements of moneys, instead of being audited by the auditor of the board, as heretofore, shall be audited by the Auditor General."

But is certain that unless these duties are transferred to the Auditor General by the language referred to in the first section of the amendment, the auditor of the board can not be considered as deprived of all power, or relieved from all his labors, and it consequently and necessarily follows, that there are some duties which are not transferred to the Auditor General, but which are still to be performed by the auditor of the board.

Second. The Auditor General has no authority of which I am aware to audit any accounts whatever that are to be paid out of the internal improvement fund, except such as is vested in him by the provisions of the first section of the "Act to amend the act for the regulation of internal improvement," &c., approved April 6th, 1838. This authority cannot be more extensive than the language of that section will fairly permit, and the words "all accounts for disbursements of moneys made by any acting or other Commissioner of internal improvement, instead of being audited by the auditor of the board, as heretofore, shall be audited by the Auditor General," are not, in my opinion, susceptible of any other construction than this: when "an acting or other Commissioner" has received moneys under the order of the board, as provided for by the twelfth section of the former law, and the second section of the amendment, all accounts for the payment

cost or disbursement of such moneys shall be audited by the Auditor General instead of the auditor of the board. The reason of this construction is most apparent—for the old law being justly liable to objection on the ground that the board of internal improvement had not only the power to invest such individual member of the board with the office of auditor as they saw fit, but by this investiture they would at once make him the instrument by which money should be placed into the hands of members of the board, and at the same time the only authority to determine the propriety of their expenditures, and the accuracy of the accounts presented for adjustment—thus not merely affording a most glaring opportunity for fraud and corruption, but presenting also, the striking inconsistency of an auditor of accounts who derives his authority from the very individuals whose disbursements of moneys he was to sanction or condemn.

To remove this inconsistency from the statute book, and guard against the corrupt or wanton expenditure of the public moneys, seems therefore to have been the legitimate and wise object of the legislature in the provisions of the first section of the amendment referred to, which require all accounts for disbursements of moneys made by any acting or other Commissioner, to be audited by the Auditor General, instead of the auditor of the board, as heretofore. Whilst this exposition of the amendment, however, can be so fully sustained, and exhibits the probable intention of the legislature in a light so reasonable and just, a more extended construction, by which all the duties hitherto performed by the auditor of the board should be deemed transferred to the Auditor General, and which would require his approval of all accounts before payment could be made, would throw upon that officer a vast amount of vexatious labor, and at the same time greatly retard and delay the progress of the different works of internal improvement, by the constant necessity it would impose upon contractors and others to whom money was due, of sending in their accounts to the Auditor General to be examined before payment for the smallest services could be obtained.

Third and Fourth. The reply to the third and fourth inquiries, is included in the answer to the second; for unless the 8th section of the law of last year contravenes the provision of the amendments, it is not repealed, and the auditor of the board is still required to draw directly on the Treasurer for all accounts for labor, &c., certified to him as correct by an acting Commissioner; and an acting Commissioner is not under the necessity of asking an advance of money to him before any accounts can be paid or of having any money at all pass through his hands.

Fifth and Sixth. The second section of the amendment of last session permits an advance of five thousand dollars to either of the acting Commissioners upon the warrant of the Auditor

General, but provides that "it shall not be lawful for said Auditor General to issue any warrant for a further advance to such acting Commissioner until he shall have fully accounted for the first advance so as aforesaid made, nor until such Commissioner shall have produced to said Auditor General satisfactory vouchers that said money so as aforesaid advanced has been faithfully applied and paid out for and on account of the works under his charge, nor until the said accounts shall have been duly audited and allowed." If this language means any thing, it must mean that the Commissioner in whose favor a second advance has been ordered by the board, must produce to the Auditor General satisfactory vouchers that the money previously received has been paid out in a proper manner, before he can obtain a warrant for any further advance, and it is the evidence of such payment that he must present to the Auditor General, and not the accounts of contractors for labor, &c., upon which nothing has been paid. For how can a mere account for services rendered, or for materials furnished, prove a disbursement of moneys by an acting Commissioner, or show that moneys received have "been faithfully applied and paid out for and on account of the works under his charge?" Besides, the only possible object of such advance seems to be that accounts for labor and services, &c., may be paid by the Commissioner on account of the works under his charge in a more prompt and speedy manner than could be done if all accounts had to be sent either to the auditor of the board or to the Auditor General: and any other construction than this, and particularly such as is implied in the inquiry, would not only violate the plain and obvious meaning of the terms of the amendment, but would extend the power of the Auditor General beyond the provisions of the law which expressly limits his duties to audit the accounts of any acting or other commissioner for disbursements of moneys.

Seventh. If the foregoing positions be correct, the conclusion is irresistible, that there are two modes of disbursing moneys on works of internal improvements provided for by law: one by having the accounts of individuals for services, &c., audited by the auditor of the board, he drawing his draft directly on the Treasurer of the state, who is requested to pay the amount of such draft to the person or persons entitled to receive the same, as is provided for in section eight of the law of 1837; the other, by the payment of accounts by a Commissioner who may have received moneys in advance for that purpose; such Commissioner being required to show the accuracy and propriety of all his payments to the Auditor General under the provisions of the 12th section of the old law, limited and continued by the 1st and 2d sections of the amendment.

Eighth. There is, perhaps, more of difficulty in giving a just or certain reply to the eighth inquiry of the board than either of the

others, for the ambiguity of the sixth section of the amendment (if it has any) is entirely latent, and arises solely out of a bare possibility that the legislature meant the Auditor General when they used the term "auditor" in that section.

The provision of the sixth section, in regard to which this difficulty arises, is as follows: "and each of said Commissioners shall receive as compensation for their services at the rate of twelve hundred and fifty dollars per annum while actually employed in the execution of the duties of their office only, to be paid out of the fund appropriated for internal improvement, on the warrant of the auditor."

In the exposition of a statute, the leading clue to a correct construction is the intention of the legislature, and the primary rule to be observed in following up that clue is, that the intention of the law maker is to be collected from the words of the statute, and when the words are not explicit, it is to be gathered from the occasion and necessity of the law: See Dwarrris on Statutes, p. 47; it being recommended however as the best course on all occasions to adhere to the words of the statute, construing them according to their nature and import. Taking these for a guide, and keeping in view at the same time, that by section three of the seventh article of the constitution, it is provided that there shall be an Auditor General, and that by the laws of this state in regard to internal improvements, an office of auditor of the board is created, who is referred to throughout by the title of auditor, it would seem to follow conclusively that the legislature intended that the accounts of the Commissioners for their services as such, and for their salary, should be audited by the auditor of the board and paid out of the treasury on his draft. In adopting this construction full force is given to the language of the statute, in perfect accordance with what can be discovered of its occasion and necessity, whilst a different exposition would at once do violence to the language of the law, destroy its consistency with the causes which produced its existence, and invest an officer with power and authority, who is not even referred to in the section from whence alone he obtains such power by his constitutional title of office.

P. MOREY,
Attorney General.

(No. 18.)

Account of John S. Bagg, State Printer, with accompanying papers laid before the committee of Ways and Means.

State of Michigan, to John S. Bagg, State Printer, Dr.

1838.

To 3,450 copies of the laws of 1838,

Composition, 644,000 ems at 70 cts per 1000,	\$450 80
Press work, 546 tokens at 75 cts per token, add \$20,	389 50
Paper, 143 reams at \$5 50 per ream,	786 50
Binding 3,375 copies at 33½ cents per copy,	1,130 62
do 75 do \$1 25 do	93 75

\$2,851 17

To be added,

20 00

\$2,871 17

To 500 copies of the Senate journals and documents of the adjourned session of 1837, to revise the statutes.

Composition, 410,600 ems at 70 cts per 1000 ems	\$287 42
Presswork, 74 tokens at 75 cts per token,	55 50
Paper, 19½ reams at \$5 per ream,	97 50
Binding 250 copies at 60 cents per copy,	150 00
do 250 do 14 do	35 00

\$625 42

To 500 copies of the House journal of the adjourned session of 1837, to revise statutes.

Composition, 365,800 ems at 70 cents per 1000 ems,	\$256 06
Presswork, 66 tokens at 75 cents per token,	49 50
Paper, 17½ reams at \$5 per ream,	87 50
Binding 250 copies at 60 cents per copy,	150 00
do 250 do 8 do	20 00

\$563 06

To 200 copies of the journal and 200 of the documents of the Senate for session of 1838.

Composition, 1,688,400 ems at 70 cents per 1000 ems,	\$1,181 88
Press work, 133 tokens at 75 cents per token,	99 75

Carried forward,

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HOUSE DOCUMENTS.

385

Brought forward,	\$	
Paper, 28 reams at \$5 per ream,		140 00
Binding 400 copies at 60 cents per copy,		240 00
		<hr/>
	\$1,661	63

To 200 copies of the journal and 200 of the documents of the House of Representatives for the session of 1838.

Composition, 1,782,900 ems at 70 cents per 1000 ems,	\$1,248	03
Presswork, 138 tokens at 75 cents per token,		103 50
Paper, 29 reams at \$5 per ream,		145 00
Binding 400 copies at 60 cents per copy,		240 00
		<hr/>
	\$1,736	53

To 160 copies of Jarvis Hurd's Report on the Clinton and Kalamazoo Canal.

Composition, 582,400 ems at 70 cts. per 1000 ems,	\$407	68
Presswork, 62 tokens at 75 cts. per token, deduct \$2,		48 50
Paper, 100 reams at \$5 per ream,		50 00
Binding, 160 copies at ten cts. per copy,		16 00
		<hr/>
	\$522	18
Deduct two dollars,		2 00
		<hr/>
	\$520	18

To 3,000 copies of the School laws.

Composition, 56,000 ems at 70 cts. per 1000 ems,	\$39	20
Presswork, 48 tokens at 75 cts. per token,		36 00
Paper, eight reams at \$5 per ream,		40 00
Binding, 3000 copies at 2½ cts. per copy,		75 00
		<hr/>
	\$190	20

To 3,000 copies of the Militia Laws.

Composition, 120,000 ems at 70 cts. per 1000 ems,	\$84	00
Presswork, 90 tokens at 75 cts. per token,		75 00
Paper, twenty-four reams at \$5 per ream,		120 00
Binding, 3,000 copies at 2½ cts. per copy,		75 00
		<hr/>
	\$351	00

To 7,000 copies of the Revised Statutes.

Composition, 2,557,697 ems at 70 cts. per 1000 ems,	\$1,790	38
Presswork, 3,300 tokens at 75 cts. per token,		2,475 00
		<hr/>

Carried forward,

\$

Brought forward,	\$
Paper, 810 reams, at \$6 per ream, error \$60, to be added,	4,800 00
Binding, 7,000 volumes, at \$1 25 per volume	8,750 00
	<hr/>
	\$17,815 38
Add for error,	60 00
	<hr/>
	\$17,875 38

Detroit, January, 1839.

*To the Honorable A. MACK,
Chairman of the Committee of Ways and Means
of the House of Representatives :*

For the information of your committee, I would respectfully state, that on every Saturday night the foreman of my printing office makes out an account of the number of ems set up, and tokens worked off, during the week, by the hands employed on the state work; and that the same is thereupon credited upon the books of the office to the hands, and charged to the state.

I would further state, that the number of ems and tokens, or in other words, the amount of composition and press work, charged in the annexed bill before your committee, is the same that stands credited on the books of the office, and has been paid for, to the hands who performed the work.

I would further state, that the charges per em and per token, or for composition and press work, in the annexed bill, are made at the current prices charged to individuals for the same or similar work, which prices were established by the printers and publishers of this city, as will be seen by the schedule attached, in eighteen hundred and thirty-six, when rents and the wages of labor were fifteen per cent less than they now are.

I would further state, that the number of reams of paper charged to the state in the annexed bill, has been used in the work therein mentioned, and that the price charged for the same is at least *seven per cent less* than the same quality of paper is sold for in the same quantity in this city.

I would further state, that the charges for binding are made at the current prices, invariably charged to individuals for the same or similar work.

All which I am ready to verify under oath, if required by the committee.

JOHN S. BAGG.
State Printer.

The following is an extract from a printed schedule of prices of printing in this city.

"List of Prices for Printing Books, Pamphlets, &c., established by the several offices in the city of Detroit, July 1, 1836.

Composition, per 1000 ems, 70 cts.

For rule and figure work double price will be charged for the composition.

Press work, per token, (ten and a half quires or less on each form, worked on both sides,) \$1 50 cts.

JOHN S. BAGG, Publisher of the Daily Free Press.

GEO. L. WHITNEY, Publisher of the Daily Advertiser.

THO. M. LADD & Co., Franklin Job Office.

HARSHA & LAPPIN, Job Printers."

(No 19.)

Memorial and resolutions relative to the military roads commenced by the general government, in the state of Michigan.

The committee to whom was referred the subject of memorializing congress, relative to the United States military roads, commenced in this state, respectfully submit the following memorial and resolutions.

JOHN S. LIVERMORE,
Chairman of Committee.

To the Hon. the Senate and House of Representatives of the United States in Congress assembled :

The legislature of the state of Michigan, convened at the city of Detroit, at their regular session for the year 1839, would respectfully call the attention of congress to the subject of progressing with the several military roads commenced in said state.

The importance of those works for the public defence and security, in case of war or invasion by a foreign power, has often been suggested to your honorable bodies, and has, heretofore, received your favorable consideration. The great end and aim, however, of their construction cannot be realized, while suffered to remain as at present, only partially completed.

The history of the country demonstrates the importance of Mackinaw as a military station, and its distance and almost entire exclusion from all other inhabited parts of the union, at times when navigation has closed, the great difficulty, delays, and expense in transporting the mail, and the impracticability, if emergency should require it, of transporting troops and munitions of war to that point, at an early day called the attention of the secretary of war and of congress, to the subject of a military road from Detroit to the straits of Mackinaw, which was subsequently located; and although several appropriations have been made upon it, only about seventy miles of it is completed. The same reasoning will in a measure apply to the military roads leading from Detroit to Chicago, from Detroit to Grand river, and from Whiteford in Ohio, to Indiana. And likewise the military road from Detroit to Fort Gratiot, which has been constructed, but is, for want of repair, almost impassable.

They are, all of them, deemed works of public utility and im-

portance. The location by government of these roads has essentially enhanced the value of the public domain, on their several routes, by the inducement it has held out to our citizens, to purchase and settle along their line in advance, to considerable extent, of the present improvements, on lands which otherwise would have been unsaleable, and who are now suffering many privations for want of eligible roads.

Your memorialists, therefore, the Senate and House of Representatives of the state of Michigan, would respectfully solicit congress for suitable appropriations of money or lands, or both, for the continuation of said roads.

Resolved, (if the Senate concur,) That our Senators be instructed, and our Representative requested, to urge upon Congress the importance of the above appropriations.

Resolved, That a copy of the above memorial and resolution be transmitted by the Secretary of State to each of our Senators and Representative.

(No. 20.)

**Report of the select committee to whom was referred
sundry petitions and affidavits from citizens of Ber-
rien county, in behalf of certain settlers on Univer-
sity and State lands.**

The select committee to whom was referred the petitions and affidavits of sundry citizens of Berrien county, in behalf of certain settlers on university and state lands, beg leave to report:

That they have given the subject referred to them their attentive consideration, and have come to the conclusion that the prayer of the petitioners is reasonable, and ought to be granted. The petitioners ask for a release, on the part of the state, to the United States, of sundry tracts of land on the Niles reserve, which had been located by the state, upon the improvements of actual settlers, for the benefit of the university, and for state purposes.

It appears from affidavits, and other satisfactory evidence before your committee, that in 1826 a grant of seventy-two sections was made to Michigan, for seminary purposes. That in October, 1836, fourteen sections were located, for university purposes, upon such lands as had been previously settled, occupied, and improved, by about fifty families, most of whom had resided thereon from two to three years when said locations were made, and some for a much longer time, and whose property consisted chiefly in the improvements they had made. It appears that the choicest and best of said lands were sold by the Superintendent last November, at the minimum price, at the request of the occupants, and that a considerable portion of the remainder is not worth to exceed three dollars per acre.

Your committee are satisfied that great injustice was done to the state and university, as well as to the settlers, by making said locations, and that the quicker the error is retracted, and its evils corrected, the better for all concerned. A bill is now before Congress, which we think will become a law, authorizing this state to make other locations in lieu of those which had been made upon actual settlers, and your committee are credibly informed that there are unoccupied lands of the United States yet to be found in this state, that will become much more valuable than those which the state has endeavored to wrest from actual settlers.

Your committee cannot better express their views upon the important subject submitted to them, than by adopting the fol-

lowing extract from the report of the committee to whom the same matter was referred at the last session of the legislature :

" Your committee consider that these settlers, as some of them went on prior to the passage of the pre-emption law in June, 1834, and the rest soon after, under the *spirit* of the pre-emption system, have *equitable* rights, which ought not to be disregarded. These rights of the settlers commenced at the time when they commenced their improvements ; and the rights of the state, only when the locations were confirmed last summer. The settlers had previously a vested, equitable right to their improvements and the proceeds of their labor ; while the state had only a naked right to locate.

" While the state saw the settlers go on to these lands and improve them, in the expectation of obtaining them at the minimum price of one dollar and twenty-five cents per acre, the claimants could not foresee that the state would defer making some of its locations, and afterwards select their improvements, thus appropriating that value which the means and labor of the settlers had given them, to the uses of the state. The committee are of opinion, from the testimony submitted to them, as to the time that these settlers went on to these lands, as to the good faith of the claimants, and their exemption from the charge of speculation, that they have an equitable claim to payment for their improvements, and are strongly entitled to the humane and considerate regard of the legislature, and from the proof as to their value, have come to the conclusion that it would be for the interest of the state to release them all, provided it can have the privilege of relocating the same number of sections elsewhere ; because, supposing them to be of the value of the ordinary farming land in this state, after paying the claimants the just value of their improvements out of the proceeds of the sale thereof, little would be left to the seminary fund."

Your committee would respectfully add, that it is their solemn conviction that the state cannot retain the lands in question upon the rule of strict justice, sound policy, or common honesty ; and that it is the duty of this legislature to do all in its power to effect a relinquishment to the United States of those lands, in exchange for other unoccupied lands in lieu thereof, and therefore recommend the passage of the accompanying preamble and bill, with a joint resolution on that subject.

THOMAS FITZGERALD.

(No. 21.)

Report of the State Geologist, in relation to the iron ore, &c., on the school section in town five south, range seven west, in Branch county.

To the Honorable the House of Representatives of Michigan :

In compliance with a resolution from your honorable body, "directing the State Geologist to furnish such information as he may possess in relation to the iron ore and clay on the school section in township five south, range seven west, in the county of Branch,"

I would respectfully lay the following facts before you, simply premising that all the examinations which were made in Branch county, are of a general or exploratory character, preparatory to the more minute examinations, which are intended to follow.

The school section to which my attention is called, by your resolution, is characterised by the appearance of the clay iron stone formation ; a formation which has not, as yet, been seen to occur in any other place in our state.

The clay iron stone, or kidney ore, appears in the usual form, being composed of thin concentric layers of the carbonate and hydrate of iron, deposited upon nodular masses, mostly composed of lime.

These masses of iron ore are imbedded, (in somewhat regular strata,) in a tough semi-indurated and stratified clay, which at first might easily be mistaken for rock. Neither the clay or iron has, as yet, been submitted to a minute chemical examination, nor in fact, is it considered, in this instance, of sufficient importance, to prevent our arriving at conclusions sufficiently accurate for general purposes.

It is well known that the presence of lime renders clay unfit for the manufacture of stone ware, fire bricks, &c., for the reason that the clay, by this admixture, is rendered fusible at a low temperature. The clay in question, is nearly, and in some instances, quite destitute of lime, and only differs from that which is denominated pipe clay, in its color and geological position. It is admirably adapted to the manufacture of stone ware, fire bricks, &c., and no further exploration is required, to render it certain that this article exists, in sufficient quantity, to furnish all that will ever be required for those purposes.

The iron ore is of the same kind as that which is almost exclusively used in some of the great furnaces of Ohio ; and most of the English iron imported into this country, is manufactured from

a similar ore. The kidney ore, from the readiness and cheapness with which it may be reduced, may be said to be one of the most valuable ores which is ever found in a secondary country ; and occurring under the circumstances it does in Ohio, it constitutes one of her great sources of wealth ; in the large way it has been found to furnish, upon reduction, from thirty to thirty-seven per cent of cast iron.

The ore occurring in Branch county may safely be said to be fully equal in purity to that of Ohio.

As before stated, the examinations which I have made, of the extent of this ore, are only of a general character, in consequence of which it is wholly impossible for me to define either its boundaries, the extent of the formation, or the amount of ore a complete exploration would bring to light. In regard to its extent, sufficient is already known, to satisfy me that it is sufficiently extensive to be made available for practical purposes, (provided the expense of raising it shall not be too great,) for I have already traced it over an area of from eight hundred to one thousand acres. In order to determine the expense of raising the ore, it will be imperatively necessary that sufficient excavation be made to determine the amount of ore which can be obtained from a given area ; a character of examination which would involve an expenditure that I do not conceive myself authorized to make, nor would it be for the interest of the state to direct it to be made in this manner.

The Superintendent of Public Instruction, very properly, after the examination had been made, withheld the school section from sale, and were he the individual owner, I have no doubt he would refuse to sell the tract until further examinations should be made ; and since the school interest in this instance must be looked upon in the same light as that of an individual, I can conceive of no reason why he should not be authorized to expend from the school fund an amount sufficient to enable him to arrive at some satisfactory estimate of the value of the land in question.

DOUGLASS HOUGHTON.

OFFICE OF STATE GEOLOGIST, {
January 28, 1880. }

(No. 22.)

Report of the examination and investigation of the affairs and condition of the Bank of Ypsilanti.

To the Honorable the Senate and House of Representatives :

I have the honor to enclose a report of the examination of the affairs and condition of the Bank of Ypsilanti, together with certain documents thereunto annexed.

Very respectfully, &c.,

A. FELCH,
Bank Commissioner.

REPORT, &c.

To the Honorable the Legislature of the State of Michigan :

The interest felt by community at this time in relation to the affairs of the Bank of Ypsilanti, and its sudden suspension of business, induces me to embrace the earliest opportunity on my return from official duty in the country, to present to your honorable body such facts in the premises as I have been able to collect.

The bank was organized under a charter granted by the legislature, and commenced business on the 13th day of October, A. D. 1836. From the time of its organization until the 27th day of September last, the controlling interest in this institution was held by Timothy Tredwell, who was the president of the bank, and Horatio Stevens and others, of Buffalo, in the state of New York. At the examinations which had previously taken place, it was uniformly stated to the examining officer that the capital stock had been paid in according to law. There was, however, in the bank a considerable amount of paper signed by the principal stockholders, with endorsers, duly entered on the books as discounted bills.

On or about the 27th day of September last, a sale was made of the majority of the stock, by Mr. Tredwell and others, to Theodore Romeyn, and the transfers duly entered on the books of the bank. On that day a change was made in the officers of the institution, and Theodore Romeyn, George H. Tracy, James Woodruff and Henry Howard were elected directors to fill vacancies occasioned by the assignment of their stock by the former directors. And at the same meeting, A. H. Ballard was elected president pro tem., and George H. Tracy was appointed cashier. On the 20th of November, Marvin Minor and George Davis were chosen directors, and T. Romeyn was elected president.

By the contract of sale above mentioned, stock upon which there had been paid between ninety and one hundred thousand dollars, was transferred to T. Romeyn and his associates. A bonus was paid upon the stock; and for the amount paid in upon the same, Mr. Romeyn was to take up and discharge the same amount of discounted paper in the bank, upon which the individuals selling the stock were responsible. In accordance with this agreement, a change was immediately made in discounted paper to said amount—the promissory notes of these former stockholders being withdrawn, and the amount supplied with other endorsed paper. The cashier of the bank at that time, George H. Tracy, stated under oath that the latter paper was perfectly good. The regular entries of the transaction were made on the books of the bank.

It is perhaps proper here to remark, that some time in the fall Mr. Romeyn called on me, and said that he was about to negotiate for the majority of the stock of the bank, and that if he made the purchase, it would be with a view to connect the institution with the Bank of Central New York, then about to be established at Utica, so far as to put these bills in circulation there, and to have them redeemed at the latter institution. To me, upon reflection, the plan seemed objectionable, and these objections were made known to Mr. Treadwell, and also afterwards to Mr. Romeyn. There was nothing, however, in the plan then proposed which would have involved a violation of law; the objections were rather on the score of public policy. I however soon after received a letter from Mr. Romeyn, announcing that he had made the contemplated purchase, and should thereafter be held responsible for the management of the institution. Upon further conversation, and more fully expressing my views upon the manner in which alone the business of the bank could be done, in order to give the contemplated circulation in a foreign state, Mr. Romeyn declared that he thought it no object to consummate the arrangement, and had already concluded to relinquish the idea, and sell or retransfer the stock. This was immediately previous to the sale from him, hereinafter mentioned.

During the time which Mr. Romeyn had control of the institution, he received bills of the bank to the amount of \$25 000, for which his receipt was given. This receipt was dated November 21st, 1838. The bills thus received, as appeared by the oath of the cashier, were taken by Mr. Romeyn to the Bank of Central New York, to be exchanged for other funds, or to be deposited in that institution to the credit of the Bank of Ypsilanti; or, if a satisfactory arrangement should not be made, they were to be returned by him to the bank. It appeared, moreover, that some time during the months of October and November last, bills of the bank, to the amount of \$20,000, had been put into the hands of Messrs. Strahan & Scott, in Chicago, to exchange in that re-

gion, and \$2,000 in other funds, with which to redeem their bills. An arrangement previously made by Mr. Treadwell with another individual in that vicinity, had given an extensive circulation in Illinois, and afforded eastern funds in exchange.

Previous to this transfer, the bank had drawn and had then outstanding and not arrived at maturity, time drafts, issued in the redemption of its bills and other purposes, to the amount of about \$40,000. Mr. Treadwell assumed the payment of these drafts, and received for the same an assignment of certain amounts due from the City Bank of Buffalo, Canal Bank of Albany, City Bank of New York, and from P. P. Kissam, D. Ballentine, George Calver, and Tracy & Miller. The amount of these assignments exceeded the amount of drafts assumed by Mr. Treadwell, and left a balance to be paid to the bank by him of \$5,394 53.

It appeared that a negotiation for the purchase of the stock owned by said Romeyn, was entered into by Philo S. Rawson, on the 23d day of November last, and finally consummated and the stock transferred on the 28th of December last. Said Rawson represented himself as the agent for Arby K. Maynard, John Colter, Abraham Van Camp, Charles Barnard, A. F. Carr, S. S. Phelps, and R. F. Field, of the state of New York, and H. Gilh, of Ohio, and the stock was apportioned among and transferred to those individuals, who still hold the same. In the affidavit of Theodore Romeyn, annexed, marked No. 1, and also in the annexed affidavit of Philo S. Rawson, marked No. 2, will be found a more explicit statement of this negotiation. It appeared that said Rawson had correspondence with, and authority to act for the three first individuals above named, but had no communication with, and no authority to act for, the others. Their names were furnished to him by said Maynard and Colter. From inquiry, it is ascertained that the above named Maynard, who is the principal stockholder, and president of the bank, is a man of little or no reputation, and entirely without means to invest in bank stocks. Little satisfactory information as to the other individual stockholders above mentioned could be obtained, and the want of knowledge on this subject evinced by Mr. Rawson, the agent, was such as to destroy confidence both in the men and in their means to sustain a banking institution. It was also stated by said Rawson, that funds for the redemption of the paper of the bank had been promised by them, but had not been furnished.

In the arrangement made for the purchase of said stock, said Romeyn was to receive a bonus of \$10,000. This sum was paid to Mr. Romeyn by Lewis Godard, who received therefor from said Rawson a promissory note for that amount, furnished by said Maynard and Colter. In this, as in the former sale of the stock, the purchasers assumed the payment of certain notes which had

been furnished by the former stockholders to the bank, by substituting other paper in its stead.

Immediately after the transfer of said stock to said Rawson and others, to wit, on the 28th December last, a change was made in the officers of the bank. John Griswold, P. S. Rawson, Allen Stuart and Gilbert Shattuck were elected directors. The affidavits of these two last named directors will be found annexed, marked No. 3 and No. 4. John Griswold was elected president pro tem., and Mark Hopkins was chosen cashier pro tem. On the 30th December, Mark Hopkins resigned, and Robert Lockwood was elected cashier pro tem. On the 19th January, Philo S. Rawson was elected cashier pro tem., in place of Robert Lockwood, resigned. John Griswold resigned as president.

At the meeting of the directors, on the 28th December, paper to the amount of \$100,000 was presented by P. S. Rawson, and entered as discounted paper, and the promissory notes which were put in by said Romeyn, when he purchased in as above mentioned, were withdrawn and given up to him. A list of the paper so received will be found annexed to the deposition of P. S. Rawson, marked A. This paper, it appears by said Rawson's statement, was received by him in a letter from said Maynard and Colter, and no member of the board of directors knew whether it was good or not, nor indeed whether the pretended signers and endorsers had even an existence. Even Rawson, who presented the paper, and represented it to be good, declared that he knew none of the individuals. Further inquiry has been made, and nothing can yet be ascertained to induce the belief that the paper is other than worthless.

In the arrangement between said Rawson and said Romeyn, the latter agreed to assume and pay certain time drafts upon several banks in the state of New York, then outstanding, and upon a part of which he was responsible as endorser, to the amount of \$40,721 18; and there was assigned to him and put into his hands on that account, certain discounted paper from the bank, to the amount of

An order on the Buffalo city bank for Ypsilanti notes,	10,000 00
Uncurrent money,	4,504 00
Notes of Bank of Ypsilanti,	10,000 00

Total, \$24,504 00

A copy of the contract annexed to the affidavit of Mr. Romeyn, will exhibit more fully the terms of this arrangement. It is stated by said Romeyn that of these drafts, \$27,000 have been paid, and provision made for about \$10,000 more.

The following statement of the affairs and condition of the bank, furnished on the day of the last examination of its affairs, January 23d, by Robert Lockwood, late cashier, corresponds with the

entries upon the books of the bank. It is but justice to remark that the Commissioner has the utmost confidence in the correctness of Mr. Lockwood's entries, while the books were under his charge. His affidavit will be found annexed, marked No. 5.

LIABILITIES.

Capital stock,	\$100,000 00
Profit and loss,	4,022 99
Discounts received,	278 29
Exchange account,	28 88
Office notes in circulation,	82,412 00
" " on hand,	78,288 00
Individual deposits,	5,311 71
Bank of Michigan,	19 75
City Bank of Buffalo,	5 19
Commercial Bank of Erie,	2 50
Michigan State Bank,	255 59
P. S. Rawson, agent,	17,286 84
Bank of Buffalo, drafts on time,	9,199 42
	<hr/>
	\$297,109 16

RESOURCES.

Bank fund,	\$464 38
Expense account,	1,049 78
Discounted bills,	157,505 18
Real estate,	7,769 63
Bank of Superior,	190 50
" Manchester,	320 00
" Central New York,	5,000 00
" Detroit City,	403 00
" Huron River,	3,000 00
" Oswego,	7,796 00
" Steuben County,	8,642 30
" Buffalo,	283 00
Strahan & Scott,	2,000 00
T. Treadwell, in trust,	5,394 53
J. Griswold, agent,	500 00
H. Stevens, Buffalo,	2,500 00
Office notes,	78,288 00
Foreign notes,	1,152 00
Specie,	121 70
Items,	14,729 21
	<hr/>
	\$297,109 16

By reference to the above statement, there will be found among the liabilities an item in the name of Philo S. Rawson, agent, of \$17,286 84. This entry exhibits a balance of credit to said

Rawson of two drafts furnished by him to the bank, one for \$10,000, on the Bank of Owego, and one of the same amount on the Steuben county bank. Rawson presented to the directors letters from Maynard and Colter, directing him to draw on said banks for said amounts, to be used in the business of the Bank of Ypsilanti; and the drafts made accordingly were passed to his credit as agent. It will be seen by reference to the above exhibit of the resources of the bank that those institutions are debited to those amounts, less some small drafts that had been made upon them by the Bank of Ypsilanti. Rawson's drafts have been forwarded to the drawers, but no return has yet been received. Nothing from those banks authorizing him to draw was exhibited by said Rawson.

There were found in the bank two notes, signed by James M. Graham, and endorsed by A. A. Reid and F. Blake, dated December 1st, 1838, for \$10,000 each, and a receipt, signed by Theodore Romeyn, acknowledging the receipt of another note of the same date and amount and with the same signatures, for the purpose of obtaining a rediscount of the same.

In relation to the three notes above named, it appeared that Lewis Godard presented said notes, together with a draft for \$1,300, made by G. B. Harleston on A. G. Ogden, and accepted by the latter, at the counter of the bank, and by direction of John Griswold and P. S. Rawson, they were discounted and regularly entered on the books as discounted paper. Bills of the bank signed by the new officers, given for the amount, were handed to Mr. Rawson, and by him furnished to Lewis Godard and Mark Hopkins in the city of Detroit.

The affidavit of said Rawson annexed, marked No. 2, exhibits this pretended discount to said Godard as in fact little more than an advance for exchange. The paper was not even endorsed by him, and it is expressly declared that he had no right to use the bills thus furnished for any other purpose than to obtain other funds. It is, however, certain that the money was immediately put into circulation at Monroe, on the Maumee river, and along the lake shore in Ohio, while no funds were furnished to the bank for the same.

The above mentioned three notes against Graham, amounting to \$30,000, were obtained by Mason Converse of George B. Harleston, as appears by said Harleston's affidavit annexed, marked No. 6. At the time they were furnished him they were in blank, and without endorsers. The signer, Graham, had been dead almost a year previous to the date of the notes, and upon inquiry, no individuals can yet be found in the vicinity bearing the names of the pretended endorsers. In what manner the notes were obtained of said Converse by Lewis Godard does not appear. It is, however, ascertained that a large amount of the bills

received by Godard and Hopkins went into the hands of said Converse, and were used by him.

Bills of the bank to the amount of \$50,000, were signed by the new officers of the bank—John Griswold, president, and R. Lockwood, cashier, but a portion of this amount was not issued from the bank.

There was found in the bank, at the examination on the 23d ult., a receipt given by John Griswold, dated January 4th, 1839, for \$10,000: on this receipt was

an endorsement of \$3,100.	Balance,	\$6,900
Receipt of John Griswold,		500
" P. S. Rawson,		5,000
" P. S. Rawson,		2,000
" P. S. Rawson, balance,		20,000

Total of exchange receipts,	\$34,400
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The receipt last above mentioned, on which a balance of \$20,000 appears to be due, is dated December 29, 1838, and was given for \$45,000, to be returned or accounted for on demand. This receipt was given when the new stockholders went into the charge of the bank. Said Rawson received in bills of the bank \$20,000, and took up the receipt of Theodore Romeyn, given by him as before stated for \$25,000, giving his said receipt for the total amount of \$45,000. It is, moreover, alleged that said Romeyn soon after returned the \$25,000 taken by him, to Mr. Rawson, and an endorsement of the same was made on the receipt of the latter.

A resolution had been previously passed by the board, authorizing said Rawson to destroy all the bills of the bank which should come in with the signatures of the former officers, and Rawson swears that he did accordingly destroy the bills last above mentioned. No person appears to have been present when they were destroyed, and the fact was not mentioned to the acting cashier, by said Rawson, until some days afterwards.

By the above statement it appears that the circulation of the bank, as exhibited by the books, was, on the day of its suspension, \$82,112; but there was out for exchange and other purposes, as above recited, a large amount of its bills, not included in that sum. From the most accurate information which could be obtained, the total amount of bills of the bank executed and not in bank, was little less than \$140,000. Some of the receipts above mentioned are included in the above statement, under the designation of "items."

At a meeting of the board of directors, on the 30th day of December, a resolution was adopted, appointing "Mr. Griswold and Mr. Rawson a committee to select some proper person to go to Chicago, and there make some arrangement (which may be in

his discretion modified by circumstances) for the redemption of the notes of the bank, and that the cashier be authorized to give such persons as may be selected, letters of credit to treat with the present agents of the bank, (Strahan & Scott,) or with any other person in the premises." In pursuance of this resolution, John Griswold was selected as such agent, and the cashier gave drafts on Strahan & Scott for the \$20,000 in their hands belonging to the bank. By reference to the annexed affidavit of John Frink, marked No. 7, it appears that said Griswold had arrived in Chicago with a large amount of the bills of the bank, and opened an office there; and that he made an exchange of the notes of the Bank of Ypsilanti, at par, for the depreciated paper of the safety fund banks of this state. But there are no means of ascertaining, as yet, whether the amount in the hands of Strahan & Scott has been received by him, or other funds to the same amount.

It is deemed unnecessary to go more fully here into a statement of the affairs and transactions of this bank, or the conduct of its officers. For many other facts relative to the same, I beg leave to solicit a perusal of the annexed affidavits and accompanying papers. In some respects the details of the transaction are not so fully disclosed as could be wished, and some things stated in the affidavits will be found, as yet, without full explanation. A full disclosure of all the facts can evidently be obtained only by continued investigation, as many of the transactions appear to have been done by men entirely unknown in this part of the country, and some of their proceedings took place beyond the limits of our own state.

An injunction, obtained by an individual, was served on the bank on the day when the examination was made at which the above facts were disclosed. As there is, however, some reason to believe that the injunction was obtained at the instigation of the friends of the present stockholders in the bank, it was deemed proper, by the Attorney General, who also attended the examination, to file a new bill in chancery, and to obtain additional process against the institution, with a view to close up its concerns.

The affidavit of John Griswold annexed, marked No. 7, has been obtained since the above was written, and also the affidavit of T. Romeyn, marked No. 8. There will be found in them, statements in relation to the facts above recited, which well deserve the attention of the legislature. A comparison of statements in the several affidavits exhibits some discrepancies which render it difficult, in some particulars, to ascertain the precise facts in the case.

All of which is respectfully submitted.

A. FELCH, *Bank Commissioner.*

Detroit, February 2, 1889.

DOCUMENTS.

(No. 1.)

A. Felch, Esq., Bank Commissioner, &c.

SIR :—In accordance with your request, I shall now, as succinctly as possible, explain to you the circumstances of my connexion with the Bank of Ypsilanti. It will be more convenient to do this in the form of an ordinary communication, than in that of a formal affidavit.

The first point on which you desire a full explanation, is the subject of the purchase of the stock by me, and the time and mode of payment.

The majority of the stock of the bank was owned by T. Treadwell, Esq., its former president, and by Mr. Horatio Stevens, of Buffalo. The contract for it was made in September last, and about the 30th of that month it was transferred on the books.

You desire me to state with particularity, "the mode of transfer and payment." The *bonus* paid for the capital of the bank was a matter of private contract, in which the public certainly have no interest; and, although I have no personal objection to disclose it, still, as it affects the affairs of others, I do not wish to say any thing about it.

Stock on which upwards of \$90,000 had been paid, was transferred to me. The old officers and a majority of the old directors, vacated their situations, new officers and directors were chosen; certain paper was offered by me for discount, and approved by the new board; other paper was taken up and given to Messrs. Treadwell and Stevens, in payment for their stock; certain moneys deposited in other banks and in the hands of agents, were transferred to the credit of Mr. Treadwell, who, in consideration of them, assumed the payment of some bills that had been drawn by the bank, and were not yet matured.

I understood you to wish particular information as to the nature of the paper taken out of the bank by Mr. Treadwell, and of that put in by me. The former I am unable to answer. It was undoubtedly good paper, and such as could have been collected. The paper put in by me was, with perhaps a single exception, and that of small amount, such as, from the names on it, would have been approved by any bank in the state. A considerable part of it was actual business paper, owned by me at the time, and some of which was afterwards paid, and the remaining portion of it was obtained from my personal friends, by giving them counter security. *My own name was not in the bank for a single dollar*, either as maker or endorser of paper, and if I recollect rightly, none of the new *directors'* names.

The situation of the bank at the time of its transfer to me, was in round numbers, as follows :—Circulation about \$80,000; due

depositors, about \$20,000; specie about \$14,000; notes of other banks, and balances due from them, about \$8,000. The other resources of the bank consisted in discounted paper. I wish to be understood as giving these amounts merely from recollection, not having the statement on hand. They are, however, substantially correct.

The above amount of circulation may appear large, but will be understood from the following fact.

An agency of the bank had been long established at Chicago. The bills of the bank transmitted to the agent there, were always counted as *office notes on hand*, until advice was received of their circulation, when they were charged as such; and the moneys received for them, (as they were exchanged only for money,) were passed to the credit of the bank. At the time of the transfer to me, Mr. Ballantine had in his hands about \$30,000, an order for which was given to Mr. Treadwell, and of course the whole amount charged as bills in circulation.

The amount of drafts assumed by Mr. Treadwell, was about \$40,000. The amount of money and other assets put in his hands, exceeded that sum by about \$6,000, out of which he was to be allowed for expenses and exchange in converting these items into funds current at the place where the drafts so assumed had been made payable, and to account to the bank for the remainder. I have now given you, as nearly as I can, the state of the bank at the time of my purchase of its stock, and of the manner in which the transfer was completed. For what has taken place since then, the old officers and stockholders ought not to be held responsible.

I understand you to request from me an account of the manner in which the affairs of the bank were conducted while I remained connected with it.

At the time of the transfer, Mr. Follett, the former cashier, declining to continue, Mr. G. H. Tracy consented to act as cashier, but with the understanding that it should be temporarily, and shortly afterwards I was chosen president.

By the arrangement made with Mr. Treadwell, the bank was deprived of all her *cash* resources, except the specie and foreign notes actually in the vaults, and small sums due from other banks. Unfavorable rumors growing out of the change, soon began to circulate; a pretty severe run upon the bank here, and upon its agents at Chicago, commenced, and was continued for some time. I provided in Buffalo \$10,000, and in Utica \$15,000, and made an arrangement in Philadelphia for \$20,000 more, if wanted; and the bank sustained herself completely.

These funds were advanced out of my own resources, and by my own exertions. As they were put into the bank, her drafts

for some of the amounts were given ; and this will account for the amount of these in existence until very lately.

An important arrangement was made by us for the redemption of our bills at Chicago. A contract was made with Strahan & Scott of that place, by which that house agreed to take \$10,000 of the notes of the bank and disburse them. At the end of ninety days they were to return to the Bank of Ypsilanti that amount in currency equal to that of the State bank of Illinois, and in the mean time were to redeem all notes of the Ypsilanti bank that might be offered to them, at two and a half per cent discount, in Illinois money, and to disburse them again in the most advantageous way for the bank. On the 24th of October, \$10,000 of the notes were given to them under this arrangement, and in November an additional sum of like amount. They were also furnished with \$2,000 of eastern funds, to aid them in their redemption.

It is proper to say that, from advices received from them, from time to time, it appears that the amount in their hands has not been decreased. Of course this amount was not included in the statement of circulation.

I understood that you considered this arrangement objectionable. I am willing to admit that it was out of the ordinary train of business ; but you will allow me respectfully to remind you of the state of things at Chicago. More than half the circulation of the bank was in that vicinity, and, unless some arrangements had been made for its redemption there, it would at once have returned to the bank. It is evident that *some* arrangement was rendered absolutely necessary by this fact : Mr. Ballantine, who before had redeemed the notes of the bank, in Chicago, was about to discontinue ; and it is believed that the contract with Strahan and Scott was as favorable as any that could be made ; and indeed not only from its terms, but from the high character of that house, and the credit reflected from their undertaking the agency, it promised unquestionably great benefits to the bank.

It will not be expected that we shall give in detail every act done by us, until our transfer of the stock of the bank was completed. The books of the bank will show that the policy pursued was one of contracting the circulation and general liabilities of the bank. The deposits were reduced to almost nothing, and the circulation to about two-thirds of its amount at the time when we assumed the management. Notwithstanding the removal of the state deposits, and the run upon the bank, before alluded to, its credit was fully sustained. Every thing presented at its counter was redeemed, and as far as I know, general satisfaction was given.

If I am not mistaken, a comparison of the proportion between the immediate liabilities of the bank and its cash resources at the

time of its purchase by me, and the like proportion at the time of my sale, will demonstrate the truth of my position, that the policy pursued during the interval was that of steady and actual contraction of business and liabilities.

Not a discount was made during this time, so far as my knowledge extends, to a single director;—certainly not to myself, directly or indirectly. All that were made were done with a view to accommodate business men and for business purposes. I took no money whatever on my own account from the bank, except when I exchanged other for it, and even this was specially deposited in the Bank of Michigan, and not used until after I had resigned my situation as director. All the bills of the bank which I used were such as I myself had redeemed when out of the state, and this amounted to but a few thousand dollars. A number of bills (amounting in the whole to \$25,000,) were taken by me to the state of New York for certain purposes, which were afterwards abandoned, and the whole of the money returned, as will hereafter appear. The same identical bills were returned, except a package of \$5,000, which were exchanged in the City bank of Buffalo for another package of the same amount, but of smaller denominations.

A rigid examination of the books of the bank will shew you that my statement of its management, while I had the control of it, is, in all respects, correct.

I come now, in the course of this statement, to another part of the matter, in which you have requested a full disclosure. I refer to the circumstances connected with my sale of the stock of the bank.

My object in purchasing the control of this stock was, with a view to connect the bank with one in the state of New York. Yourself will recollect the conversations had with you on this subject. Arrangements were made to a certain extent, for this purpose. In carrying out the details, however, difficulties arose, that had not been anticipated.

Some of the stockholders of the bank objected to any of its notes being issued, except in the form of regular discounts, in which case but a limited number could be given to any one institution, from the restrictions imposed by the 16th section of the charter of the Bank of Ypsilanti.

Mr. Pritchette, one of the Bank Commissioners, supposed that all the notes thus issued, should properly be charged as circulation.

Yourself expressed very unfavorable opinions on the subject of the policy of the intended course.

I therefore determined to propose to those, to whom a portion of the circulation was to have been loaned, either at once to take

the bank from my hands, or to release my contract with them and mentioned this freely to my friends in conversation.

On the day on which I expected to leave Detroit, I received a letter, of which the following is a copy :

"Detroit, 23d Nov., 1836.

T. Romeyn, Esq.

Dear Sir :—I am requested by some eastern capitalists to purchase a bank, and they referred me to you for the Bank of Ypsilanti. Understanding you owned the controlling interest of that bank, I take the earliest opportunity of advising you on the subject. If you want to sell, what are your terms, and what is the condition of the bank, and what is the amount of capital, &c.? Please advise me as soon as convenient and give me a brief history of the matter, and if you wish to sell, and terms suit. I am ready to purchase in trust for others, and the bank will go into responsible hands.

And sir, as I am a stranger to you, I have enclosed letters of credit from gentlemen that you probably know, which you will please return to me.

I am truly yours ; in haste,

P. S. RAWSON."

On the same day I wrote in reply the following :

"Detroit, 23d Nov., 1836.

Sir :—Your letter of this date is before me. I am on the point of leaving town, and therefore must answer it briefly.

I have in my name a majority of the stock of the Bank of Ypsilanti, and if other arrangements are not perfected, I am disposed to transfer it to any gentleman who can satisfy me of his disposition and ability to support it. The capital paid in is \$100,000, of which I control near 9-10ths. If I sell, I want to receive ten per cent premium on the whole amount of stock.

As I am at present in great haste, I must beg you to excuse me for not going more into detail.

I say to you frankly that I will, without reserve, inquire into the validity of the recommendations which you have done me the favor of enclosing, and if they are satisfactory, and the arrangement now on hand, (I refer to one contemplated with an eastern bank,) be not consummated, I will enter into a negotiation with you.

In haste, but very respectfully,

Your obedient servant,

T. ROMEYN."

At this time I did not know Mr. Rawson, except very slightly. A note of Mr. Rawson's, for some amount, had been put into my hands the day before as collateral security for an endorsement, but I took a guarantee from the person delivering it, and made very slight inquiries as to Mr. Rawson, and did not retain the note but a short time. As to his history and occupation, I knew nothing. The letters of recommendation which he enclosed, were of a satisfactory kind. I shall allude to these more particularly hereafter.

Before leaving Detroit, and on the above day, I saw Mr. Rawson, who told me that he was poor, but that he had been acting for some time as agent for some highly respectable men, who were desirous of engaging more extensively than they had done in western operations; that he had purchased large amounts of flour and wheat, and other produce in Ohio, and latterly in Michigan, and that he had experienced great difficulty from the inability and unwillingness of the banks to discount drafts for him; that some of his friends and those for whom he acted, had formed a company, and were desirous of concentrating their means in a bank and operating through it, and that he could advance \$20,000 in cash towards sustaining the bank after paying for its stock. I replied that I would think over the matter and would write to him from Buffalo. Accordingly I did write from that place, as follows:

"Buffalo, November 30, 1838.

DEAR SIR--

I wrote to you a few days since very briefly on the subject of selling the Ypsilanti bank.

I have been for some time satisfied that the bank will not answer the purposes of those for whom it was originally purchased by me, as its circulation must be limited to the amount of its capital stock paid in, and the Bank Commissioner has assured me that any of its notes loaned to other institutions, will be debited to it as circulation. I will make you a proposition, subject, however, to the contingency of the alteration of a contract with the bank already spoken of.

The capital stock of the Bank of Ypsilanti paid in, is \$100,000.

The circulation is about \$60,000. The bank is indebted to the City bank of Buffalo in the sum of \$10,000, for which a bill has been drawn on New York; collateral to this, the like amount of notes of the bank has been deposited. There is a farther indebtedness to the state of \$10,000, for which a bill has been drawn on the Canal bank of Albany.

There are very small amounts due to depositors, and I believe no balances in favor of other banks.

I will sell stock to the amount of \$93,708 25, and surrender the entire control of the bank.

For this, and for my services in the premises, and the responsibility assumed by me, I expect ten per cent more than the par of the whole amount of stock.

I will assume the payment of all the drafts that may be made at the time of the transfer, on receiving from the bank funds sufficient to cover them.

I will take in payment all notes which may have been discounted by the bank since I assumed the control of it, and for the remainder I will take funds current in the city of Detroit. If the notes of the bank are paid to me, I will take care to give them a good circulation.

I will expect of you, that you cause the old notes of the bank to be destroyed, and not re-issued, as I promised Mr. Treadwell (when I purchased from him,) that this should be the case. Such are the leading outlines of the principles on which I am willing to sell; and if satisfactory to you, I think we will have no difficulty on my return in consummating a bargain.

Yours, &c.

THEODORE ROMEYN."

Subsequently I wrote to Mr. Rawson, in effect as follows: (I have not retained a copy of this letter,) that he could have the bank on the terms mentioned in my former letter, as the directors of the institution in New-York, who had intended to use its notes, were willing to release me from my bargain with them, and did not wish to encumber themselves with the management of the bank, and I could not conclude an arrangement with their stockholders as individuals for this purpose; that if he desired to take the bank, he must have his own directors selected, and all things prepared for a complete change, as I would retain no responsibility, and would give full notice of the change.

On my way home, I received at Buffalo a line from him, simply stating that he was entirely prepared.

The only persons whose names I recollected as having been mentioned to me by him as his friends in this matter, were Mr. Maynard and Mr. Gill. The former I supposed, and certainly understood, was a resident of Orondaga county, New York; the latter of Columbus, Ohio. I inquired and was informed as to both of these, that they were exceedingly respectable men. From the examination of Mr. Rawson before you, it appeared that Mr. Maynard is a resident of Chenango county. Of this gentleman I know nothing. My inquiries were as to a different person.

I returned home on the 24th day of December. On the 28th I transferred to Mr. Rawson and to others, according to his directions, all my stock in the bank. A scrip for about \$15,000 was not in my possession at the time, but as I considered it subject to my control, it was assigned with the rest, with full notice of the fact of its having been subjected to a temporary hypothecation.

The mode of transfer was as follows: the stock was transferred upon the books, and the old officers and directors resigned. A new board was chosen, who passed upon certain paper. Mr. Rawson then gave me in payment for my stock an equal amount of the old discounted paper of the bank. I wish it distinctly understood that neither myself, nor any old director, examined the new paper offered for discount, or had in any way any thing to do with it.

You will recollect that I had taken from the bank \$25,000 of its notes. These I brought back with me. Mr. Tracy declined to receive them, or to give me up my receipt, lest the matter should be afterwards misrepresented. I accordingly gave them to Mr. Rawson, and not satisfied with taking up my receipt, I took from him an acknowledgment of the delivery to him of the whole amount, which was exhibited to you and admitted by him.

At the same time, or the next day, the directors ordered the execution of the agreement accompanying this communication, marked B, by which I assumed the payment of all the drafts of the bank. This instrument speaks for itself.

The mode of transfer was the same that was adopted when I purchased. In both cases, the intention was to leave all responsibility with the new directors.

Mr. Rawson wished me to take the premium on the stock in some paper which he held. I objected, as not knowing the names. He then proposed that I should take certain stocks of a third person, and after some hesitation, I acceded to this, and took them, as, at the time, there was a prospect of converting them into money.

I have now stated to you with entire frankness, all the circumstances connected with my contract for the sale of the control of the bank, and the manner in which it was carried into effect. While no one will deny my legal right to sell bank stock to any person who would pay me for it, I am ready to admit my obligation to the community to see that the control of the institution went into safe and responsible hands. I now wish you to refer to the letters of recommendation which Mr. Rawson brought to me, (schedule A.) You will find them to be from persons of different states. You will see that they speak of him while yet a youth, and follow him down to the present time, during fifteen successive years; and that they all concur in their testimony as to his integrity and respectability. The representations which he gave of

his backers in the business, were entirely satisfactory; he had with him a letter of credit for \$20,000 of money, and I submit to you, under the circumstances, if I was not entirely justifiable in treating with him. Since the transfer, he has exhibited to me a formal power of attorney from A. K. Maynard, regularly executed and authenticated, authorizing the purchase of the stock of the bank, and also of a mill.

I now come to speak of my conduct since the transfer of the bank.

It will be recollected that Mr. Hopkins declined to act as cashier. Mr. R. Lockwood had been in the bank for some time, and I requested him to stay until matters were settled, as he was acquainted with the situation of the bank, and I had full confidence in his capacity and integrity, and, as my own liabilities on the drafts of the bank were large, I was desirous of having some one with whom I was acquainted remain there temporarily. He agreed to stay for a few days, and for a few days only.

I solemnly declare, that from the time of my resignation as director, on the 28th day of December, I never intermeddled with the affairs of the bank, in any way whatever. I kept entirely aloof from it, and know nothing of its operations, except as to the amount of its redemptions, as they were mentioned to me incidentally by Mr. Lockwood and others.

The day after the assignment of the stock, I received \$5,000 in specie, which I gave to the bank, and for which I received nothing but an open credit. This specie was used by the bank in its redemptions, and I never received any thing but ordinary country funds for it.

I proposed to a friend to take the order on the Buffalo city bank, for the money there deposited, and disburse it westward, where it would have a good circulation, and pay the draft due that bank. He referred it to his partner at Buffalo. Before any answer was received, I wrote again, arranging in another quarter for the payment of the draft, which has been taken up, and enclosing an order for the bills deposited in the bank, as I found that such an increase of western circulation might operate disadvantageously. I am advised that but a part of these have been circulated; the rest are on my hands.

Of the other drafts assumed by me to a large amount, all, except about \$4,000, have been provided for.

Of the discounted paper assigned to me to pay these drafts, I have only received about one hundred dollars. A small amount was taken in notes of the Bank of Ypsilanti, which are still on my hands, and about three hundred dollars were paid into the bank to my credit, where it remains, being covered by the injunction.

Of the ten thousand dollars paid to me in the notes of the bank, (also for the purpose of paying these drafts) about eight thousand

dollars were paid into the Farmers' and Mechanics' bank of this city. As soon as I understood that the Bank of Ypsilanti was made the object of suspicion and remark, and that her notes were returned to her counter constantly for redemption, I went to the above bank and withdrew every dollar she had, being about four thousand dollars, which notes are still in my hands.

I loaned to a gentleman of this city five hundred dollars, which were not used by him, while the bank was in good credit, and which I am expected to take back.

To another I paid four hundred dollars, which was immediately sent home to the bank, contrary to my expectations, and there redeemed.

To another I loaned one thousand dollars, but requested him not to use it immediately, as it might prejudice the bank. He did so, and the money perished on his hands. Voluntarily I offered to return his note; so that this will be my loss.

To another I advanced five hundred dollars, and the moment I received information of the discredit of the paper, I wrote to him a note requesting the return of the money.

Except a very few hundred dollars disbursed by me in small sums, I used none of the money except as above stated.

I challenge any individual to come forward and say that I have been instrumental in extending the circulation of the notes of the bank, except as above stated. Let any man who has received them from me answer.

The result of the whole is, that of the ten thousand dollars paid to me, *more than one-half* perished on my hands.

I now come to speak of my conduct while the bank was making its last effort.

Mr. Lockwood brought to me a note for ten thousand dollars; that had been discounted at the bank, and wished me to procure its re-discount. I was satisfied this was impossible, but told him I would make the effort. The only thing which I could do was to exchange, temporarily, notes of the Bank of Ypsilanti, to the amount of five thousand dollars, for other money; which I did, by pledging my own private property and individual credit for the return of the sum advanced. All this went to the Bank of Ypsilanti, and all that I hold for it is the like amount of their own depreciated paper, and the ten thousand dollar note above mentioned.

I also went to the Bank of Michigan, and left with her teller two hundred and fifty dollars, to redeem what Ypsilanti money might be offered at her counter. This amount is also on my hands.

I was induced to make the last exertions for the bank, because I had a direct interest in sustaining her credit, not only from my recent connection with her, but from the amount of her money

in my hands. I did it in good faith, urged to it by her officers, and assured by them, that a large amount of Ohio and other funds, were daily expected. I did it, after unfavorable rumors had come to my ears, and against the advice of friends. The result of the whole is, that I have never circulated but a small amount of the notes of the bank; that at my own risk, I prevented their circulation in numerous instances, thereby incurring loss myself; and that I have supplied her with exchanges from my own resources, and to my own disadvantage, to nearly the amount of all that I have used. If the notes of the bank are worthless, then I am a direct loser to the amount of thousands by my connection with her.

You have now a statement of all my connections with the Bank of Ypsilanti, and I am sure that you will do me the justice to say that it is in every respect confirmed by all the testimony, oral and written, which has been elicited on this subject.

It only remains that I speak of what I have said and done publicly in this matter.

Before I assumed the control of the bank, I mentioned to yourself that I had it in contemplation, and did the same to Mr. Pritchette.

So soon as it had passed into my hands, I wrote to you, advising you of the fact, that I alone was responsible for its management.

I gave the same information to all the Detroit banks.

Immediately upon my return, I announced to all who spoke to me on the subject, my intention of relinquishing the management of the bank.

When I had done so, I advised the Detroit banks of it, and all the agents and correspondents of the bank were advised of it, and every thing was done to give full publicity to the matter.

So soon as I heard of unfavorable rumors concerning the bank, I advised the Bank Commissioner of them. Yourself was absent, and I spoke to Mr. Bell and requested him to go and examine its affairs. He declined, as it was out of his district. I went myself to the Attorney General, and asked him to attend.* The examination was finally made by you and Mr. Morey. Yourself can say whether I did not do every thing in my power to aid it.

Before concluding this communication, I wish to say one word about an individual whose name has been connected with the Bank of Ypsilanti. I refer to Mr. Lewis Godard. While I was interested in the bank, Mr. G. had nothing to do with it, directly or indirectly. He is interested in a valuable property in the village of Ypsilanti, and had just finished a large flouring mill. I promised him all such accommodations as he would be entitled to from the

*Not until the day after the bank stopped payment.

nature of his business, but nothing more; and even this was not granted to him. Except in the Detroit city bank, I never held a dollar of stock in any bank in which he was interested until a few weeks ago. In the Bank of Ypsilanti he never, to my knowledge, has had any interest. Of his agency for the bank, since I went from it, I knew nothing until the matter was detailed to us by Mr. Lockwood and Mr. Rawson.

I have now given, as fully and particularly as I could, a statement of all affairs which connect me with the Bank of Ypsilanti. Yourself can bear witness to the fact that they are corroborated by every entry in the books of the bank, and by all collateral and extrinsic testimony. They go to show,

1st. That the control of the Bank of Ypsilanti was purchased by me in good faith, and in an open and honorable manner.

2d. That while I held the control, its affairs were conducted fairly and prudently.

3d. That my transfer of it was bona fide and absolute, and justified by circumstances.

4th. That since its transfer, I have been entirely disconnected with it, and am in no way responsible for its present condition.

5th. That I have in no manner aided in expanding its circulation, but have so managed for the safety of the public and the benefit of the bank, as to be myself a loser.

6th. That nothing has been done covertly, or under the rose; but full publicity has always been given by me to every act connected with it.

7th. That I have invited and aided the investigation of the whole affair.

In conclusion, I have to ask of you that you will excuse me for sending you such a long communication, and one entering so much into details. It is due to myself and to the public that frauds, if any, should be traced home, and that blame should attach where it belongs.

THEODORE ROMEYN.

STATE OF MICHIGAN, } ss.
Wayne County.

On this 30th January, 1839, personally appeared before me, Theodore Romeyn, who being duly sworn, made oath, that the matters and things set forth in the foregoing communication to Alpheus Felch, bank commissioner, &c. are true, to the best of his knowledge and belief.

I. S. ROWLAND,
Not. Pub., W. C., M.

(Schedule A.)

The undersigned, inhabitants of the town of Palmyra, certify that they have for some time past been acquainted with Philo S. Rawson, and have no hesitation in saying, that his character, in their opinion, is unimpeachable as to integrity, honesty and good conduct; and further certify, that he would be perfectly competent to the management of a mercantile store in the capacity of a clerk.

Palmyra, August 3d, 1823.

Joel McCollum,
Alexander R. Tiffany,
Leonard Wescott,
Israel J. Richardson,
Thomas Rogers, 2nd,
Caius C. Robinson,
Tho. Baldwin,
D ——— Rogers,
Benjamin Nichols,
Gain Robinson,
V. G. Barney,

James Field,
P. Grandin,
Platt Williams,
L. Tucker,
Seymour Scovell,
N. W. Wilcox,
Alva Henslee,
Kingsley Miller,
William Wells,
Giles Landon,
Geo. N. Williams.

Having just examined a certificate signed by a large number of highly respectable gentlemen of Palmyra, recommending Philo S. Rawson, as a young man of fair character, and in their opinion, competent to the management of a mercantile store in the capacity of clerk; it gives me great pleasure to state, notwithstanding I cannot speak of his present fitness for such a situation, not having been personally acquainted with his deportment or acquirements for the last two years, that said Philo was a member of my family from the fall of 1820, to the spring following; and that from his then regularity of conduct, knowledge, and his strict moral integrity, I could not anticipate any other character than the highly respectable one given of him in said certificate; and so far as my acquaintance will warrant, I most cheerfully join with those gentlemen in their recommendation.

DUDLEY MARVIN.

August 8, 1823.

Palmyra, October 6, 1823.

I have been particularly acquainted with Philo S. Rawson, for three years past, and it gives me pleasure to state in his behalf, that I have ever regarded him as a youth of strict integrity, industrious habits, and unoffending manners.

D. K. JONES.

I have for some time been acquainted with the bearer, Mr. Philo S. Rawson, and have always considered him a young gentleman of correct and honest principles, and entitled to the fullest confidence in whatever situation or employment he may be engaged.

He has been in the employ of Messrs. Mead and Lyon, of this village, for some considerable time.

I feel a pleasure in recommending Mr. Rawson to the favorable notice of those among whom it may be his lot to be cast.

JOHN A. GRANGER.

Canandaigua, N. Y. April 15, 1838.

Columbus, 16th May, 1838.

Mr. Bell,

SIR: I understand that you wish to be made acquainted with the character and reputation of Mr. P. S. Rawson. Sir, it affords me great pleasure to be able to communicate to you my highest opinion of Mr. Rawson. I have known him for many years, and have never known him to deviate from the path of rectitude, and can recommend him to you both as a moral, intellectual, and business man, and worthy the confidence of any business, and presume that he will fulfil any engagement that he may make with you.

Yours, in haste,

H. GILL.

I hereby certify, that I am well acquainted with Mr. P. S. Rawson, and can cheerfully concur in the above remarks of Mr. Gill.

Yours, in haste,

J. S. SHERMAN.

Columbus, 26th May, 1838.

Lockport, May 20, 1838.

I have been acquainted with P. S. Rawson for several years past. I have had considerable dealings with him, and have always found him fair and honorable.

I consider him a competent and capable business man, and as a salesman in a dry goods store, unsurpassed in this vicinity.

MARK HOPKINS.

Lockport, May 18th, 1836.

I have been acquainted with P. S. Rawson for several years and have had considerable deal with him. I have ever found him, so far as my dealings with him extended, fair, honest, and honorable.

S. CAVERNO.

—
This may certify that Philo S. Rawson has been in our employ as a clerk for about two years past, and we consider him a young man of strict integrity, industrious habits, and well calculated for the mercantile business; and would recommend him to the favorable notice of those among whom it may be his lot to fall.

HAYWARD & RAWSON.

Lockport, April 9th, 1831.

—
Ypsilanti, (M.) June 2d, 1838.

To whomsoever it may concern:

This will certify that I have been for several years past acquainted with Mr. P. S. Rawson, and know him to be a gentleman of correct, industrious business habits, good moral character, strictly honest, and I cheerfully recommend him as every way worthy of the confidence of any business man.

MARVIN MINOR.

—
Hartland, August 22, 1829.

This will certify that Mr. P. S. Rawson has been in my employ as a clerk for some time past, and that I consider him strictly moral, honest, and well calculated for the mercantile business.

MARVIN MINOR.

—
Sandusky City, 10th May, 1836.

Mr. Bell,

SIR: The bearer of this letter, Mr. Rawson, requested from me a letter of credit to you, which I cheerfully give, and I can say, that it affords me the greatest pleasure to be able to communicate to you my highest opinion of Mr. Rawson, for I have had many years of personal acquaintance with him, both in business for himself and others, and have always found him prompt, honest and fair in all matters of deal, and would recommend him as such to you; and I have no doubt but that he will fulfil all and any engagements that he may make with you, and he has many friends who can say and do the same for him.

I am truly yours, in haste,

HORACE APLIN.

Mr. L. Godard.

SIR: This letter will be handed you by the bearer, Mr. Rawson, whom I have had many years of personal and business acquaintance with, and it is gratifying to me to say, that he possesses a fund of information of business and of men, and I can say that I think Mr. Rawson worthy of any confidence that may be reposed in him by you or any other business men. As a salesman in a dry goods store, he stands high with us, and, sir, if you and Mr. Rawson do not make a bargain, any assistance you may show him in getting into business will be gratefully received by your old friend and humble servant,

LAFFERT COISON.

Canandaigua, 16th March, 1838.

Lockport, May 19, 1838.

Mr. Bell.

SIR: The bearer of this, Mr. P. S. Rawson, I have been acquainted with for some years. He wishes a letter of credit from me to you. It is truly gratifying to me to say that I think him worthy the confidence and credit of any man. I think him a man of correct business habits and industry, and believe that he will fulfil any engagements that he may make with you or any other man. He is well known and much respected by all who know him personally. I have never known him to deviate from the path of rectitude and morality.

I am truly, your humble serv't,

D. M. THOM,

I concur with Mr. Thom in his statement above, in behalf of Mr. P. S. Rawson, and would recommend him to the attention of business men or any man in the community, which he may think proper to locate himself.

JUSTUS DOBBIN.

Lockport, 19th May, 1838.

—
(Schedule B.)

Articles of agreement made and entered into this 29th day of December, A. D. 1838, between the President, Directors and Company of the Bank of Ypsilanti, of the one part, and Theodore Romeyn, of the other part.

Whereas, the said bank has drawn the bills or drafts specified and set forth in schedule A, hereunto annexed:

And whereas, on most of these drafts said Romeyn is an endorser, and therefore liable for the payment of the same, and has actually made arrangements and advances for that purpose:

Now this agreement witnesseth, that in pursuance of the un-

derstanding between these parties, the said Romeyn is to pay said drafts at maturity, and indemnify and save harmless the said bank against the same.

In order to compensate said Romeyn for his advances and responsibilities, the said president, directors and company do hereby assign, transfer and set over to him the notes, accounts, receipts, moneys and other choses in action, specified and set forth in schedule B, hereunto annexed, with just right and full power to convert or sell the same, and appropriate the proceeds at his pleasure, he being alone liable for the payment of said drafts.

[BANK SEAL.]

In testimony whereof, the said president, directors and company, have caused these presents to be executed by affixing thereto the seal of said bank. And the said Romeyn hath executed the same by fixing thereto his hand and seal. By order of the Board.

R. LOCKWOOD, *Cashier*.

T. ROMEYN, [L. s.]

(No. 2.)

STATE OF MICHIGAN, }
County of Washtenaw. }

Philo. S. Rawson, being duly sworn on oath, says, that he is a director of the Bank of Ypsilanti, and on Saturday last, was appointed by the board of directors cashier pro tem.

Deponent saith that he became a stockholder in said bank on the 28th day of last December, and has also since that time acted as the agent of A. K. Maynard, John Colter, Charles Barnard, A. F. Carr, S. S. Phelps, R. F. Field, Abram Van Camp, and H. Gill, who are also stockholders. Deponent purchased the stock held by the individuals above named, on the day above mentioned, of Theodore Romeyn. The above mentioned individuals now own a majority of the stock of the bank. The object of purchasing the controlling stock of the bank was to obtain facilities in the purchase of wheat, and in the provision business. The purchase was made by deponent as the agent of the above named individuals. Deponent had had correspondence with some of these individuals relative to the purchase of the stock of a Michigan bank, without naming any particular bank. A bonus of ten thousand dollars was paid to Mr. Romeyn by deponent, which, added to the amount paid in on the stock so transferred, made the sum of one hundred and eight thousand dollars to be paid to Mr. Romeyn. For the purpose of paying the amount, deponent received promissory notes, a list of which is hereunto annexed,

marked A. They were received by letter from said Maynard and Colter. When Mr. Romeyn made the transfer of the stock, new directors were chosen and sworn into office. The notes mentioned in the list annexed, were presented to the new board, who ordered them to be received and substituted instead of other paper then in the bank. This was done, and the paper so received was given up by deponent to said Romeyn, for the amount of ninety-eight thousand dollars aforesaid. The bonus of ten thousand dollars was paid by giving a note to a third person, who, in consideration of the same, paid the amount to Mr. Romeyn.

Deponent also had directions by letter from Maynard & Colter, to draw on the Owego bank and the Steuben bank for twenty thousand dollars, and after the purchase of the bank stock as above recited, he made drafts to that amount and deposited them in the Bank of Ypsilanti. They were passed to deponent's credit as agent for the stockholders.

Deponent does not know the signers of the paper mentioned in the annexed schedule, but was informed by Messrs. Colter and Maynard that they were responsible men, and the paper good. None of the directors who allowed the paper to be substituted as above mentioned, knew the signers or endorsers.

Deponent says that he was made a director of said bank on the 28th day of December last. A vote was passed by the directors, that the old paper of the bank returned from circulation should be destroyed, and new notes executed to supply their place.

Bills to the amount of \$25,000 were destroyed by this deponent, under the order of the board, and new notes of the bank to the amount of fifty thousand dollars were executed, being signed by R. Lockwood, as cashier, and by John Griswold, as president. Of the bills thus signed, thirty thousand dollars or more were issued from the bank. Ten thousand dollars were received by John Griswold for exchange purposes. There was also paid out on discounted paper, as follows:

Three notes signed James M. Grakin, endorsed by	
A. A. Reed and F. Blinke,	\$50,000
George B. Harleston's draft, accepted by A. G.	
Ogden,	1,500

A short time before the above mentioned notes were discounted, this deponent applied to Mark Hopkins and Lewis Godard to see if some arrangement could be made by advancing bills of this bank, to obtain the means of redeeming such of its circulation as might be brought in. Hopkins and Godard went the next day to Toledo and Maumee to make an arrangement for that purpose. They returned with the paper above mentioned, and said that they had made an arrangement, and that if the bank

would discount the paper above mentioned, the bills of the Bank of Ypsilanti issued for that purpose, would be protected and kept in circulation in Ohio, and that this bank would immediately be furnished with Ohio and eastern funds and specie to one-half the amount. The notes for discount were left at the bank by Mr. Godard or Mr. Griswold. The amount, less the discount, in bills of the Bank of Ypsilanti, was taken by deponent into Detroit and delivered to said Hopkins and Godard, on the 9th inst. They were to go to Toledo and Maumee, and return with funds as above mentioned. They have not yet returned, having been detained, as deponent is informed, by the absence of the person who was to furnish the funds, and no such funds have been furnished. The bills of the Bank of Ypsilanti above mentioned, were not to be put in circulation unless funds to half the amount were received as above stated. Deponent further says, that said Godard has not received any bills of this bank, to the knowledge of this deponent, other than above mentioned, and that said Godard had no right to use any portion of the bills thus put into his hands.

Deponent says that he made an arrangement about the first of December last, with said Godard, by which he paid through him the bonus of ten thousand dollars to Mr. Romeyn, the amount of which was paid to said Godard in means furnished by the new stockholders. This arrangement was first proposed to Mr. Romeyn, and carried into effect about the last of December.

Deponent further says, that on the 29th day of December last, he received twenty thousand dollars in bills of the bank, and gave a receipt for forty-five thousand dollars, including therein a receipt for bills of the bank of twenty five thousand dollars, given previously by Mr. Romeyn. This amount has since been returned by Mr. Romeyn and endorsed on deponent's receipt above mentioned.

Mr. Romeyn has no control or direction of the bank, and has not, since the sale from him, interfered at all in its affairs. Said sale from him was bona fide and in good faith.

Lewis Godard was to be paid for his services in effecting the arrangement above mentioned, and was not to have the use of any part of the money.

Deponent had letters authorizing him to act as agent for the above named Maynard, Van Camp and Colter, but had nothing from the other new stockholders, authorizing him so to act, nor had they ever requested him to buy the stock for them. Their names were given deponent by said Maynard and Colter.

R. S. RAWSON.

Subscribed and sworn to before me, this 24th day of January, A. D. 1839.

A. FELCH, *Bank Commissioner.*

A.

Signed J. W. Hubbard, endorsed J. C. Munger, U. T. Scott, due April 12,	\$10,000
Signed A. T. Warren, endorsed H. C. Wanzer, Orlin Harding, due April 11,	10,000
Signed C. Williams, endorsed James M. Lord, A. S. Doyg, due April 15,	10,000
Signed T. S. Gage, endorsed John Russell, Isaac Vandelip, due April 9,	16,000
Signed D. C. Kingland, endorsed O. W. Stone, M. Branson, due April 15,	10,000
Signed Silas Lake, endorsed A. T. Craig, Thomas G. Sprankin, due April 26,	10,000
Signed M. A. T. Schuyler, endorsed J. H. Kellogg, Jas. E. Duff, due April 7,	10,000
Signed W. H. Bond, endorsed J. W. Wood, Amos Thomas, due April 19,	10,000
Signed J. Underwood, endorsed John Worden, W. T. Herrington, Hugh Merritt, due May 4,	10,000
Signed Epm. Marble, endorsed A. T. Grammond, E. S. Barnard, due April 7.	10,000
Dated,	

(No. 2.)

STATE OF MICHIGAN, }
 County of Washtenaw, } ss.

Allen Stewart, being duly sworn, says, that on the evening of December 29th, 1838, Abel Godard called on him at his house, and requested deponent to become a director in the Bank of Ypsilanti. Mr. Godard said that he had no interest in the bank, but was requested to name some fit person, and wished deponent to take the office. Deponent went to the bank, and after having a small amount of stock transferred to him, was made a director and sworn into office.

Certain paper, being the same mentioned in schedule annexed to P. S. Rawson's affidavit, was presented, but deponent knew nothing of the signers, and cannot say whether any definite action in relation to it was had by the board.

Deponent knew that bills of the bank were signed by the new officers, but was not told for what purpose. He was also told by said Rawson, that money was to be furnished to the Bank of Ypsilanti by exchange with the Bank of Wolfsburg, in N. Hampshire.

ALLEN STEWART.

Subscribed and sworn to before me, this twenty-fourth day of January, in the year of our Lord, one thousand eight hundred and thirty-nine.

A. FELCH, *Bank Commissioner.*

(No. 4.)

STATE OF MICHIGAN, }
County of Washtenaw, } ss.

Gilbert Shattuck, being duly sworn on oath, says, that he was one of the original subscribers to the stock of the Bank of Ypsilanti, and still holds the shares subscribed by him. That on the 28th day of December last, Abel Godard came to deponent's house and requested him to go to the village of Ypsilanti, and said that there was to be that day an election of directors of said bank, at Ypsilanti, and requested deponent to receive the office of director, and to act in that capacity. Deponent attended said meeting and was elected a director and sworn into office. Abel Godard was in the bank when the meeting of directors was organized, but took no part, and did not appear by the books to be a stockholder in said bank.

At the meeting of directors above mentioned, P. S. Rawson presented certain paper for about \$100,000. The signers were not known to deponent, but upon the assurance that they were responsible men, the paper was approved and the cashier authorized to receive it, and give up for it certain discounted paper then in the bank, which had been given by the former stockholders.

At the time deponent occupied the office of director, it was understood to be for temporary purposes.

Deponent further says that on the 21st instant, he inquired of P. S. Rawson, whether Lewis or Abel Godard had any interest in the Bank of Ypsilanti. He replied that he had not. Deponent then inquired, why Lewis Godard took so much interest in making an arrangement to obtain exchanges at Maumee and Toledo? Said Rawson replied, that if Godard effected the arrangement he was to have a part of the proceeds for the purpose of buying wheat. He stated that he had himself previously entered into a negotiation for said exchange, with one Myers, and that said Godard went down to Toledo with the funds, and to close the arrangement; that he did not trust said Godard with the funds until he had given security by a certain note, amounting, as deponent understood, to twenty-five or thirty thousand dollars.

Deponent further says, that he was not acquainted, until the day he became director of the bank as above mentioned, with Mr.

Romeyn. That while he has been director, said Romeyn has had no control of said bank, and has not, to the knowledge of deponent, interfered in any manner in its concerns.

(No. 5.)

STATE OF MICHIGAN, }
County of Washtenaw, } ss.

Robert Lockwood, being duly sworn on oath, says, that he became cashier pro tem. of the bank of Ypsilanti, on the 29th or 30th of December last, and had charge of said bank in that capacity from that time until the 18th day of January instant. He was offered the office of cashier by Theodore Romeyn, before the transfer of the stock by him, who was liable on the paper of the bank, and declined it. Mark Hopkins was previously appointed cashier. Mr. Hopkins resigned as cashier, on the 29th Dec. 1838, at which time deponent received the temporary appointment. Philo S. Rawson was appointed cashier on the 18th January inst. and still holds the office.

While deponent was in charge as cashier, to wit, on the 8th of January inst. he was told by some one of the directors, he thinks by John Griswold, that a resolution had passed the board of directors, authorizing the burning of the notes of the bank which had been returned from circulation. He, Griswold, who was then president of the bank, also requested deponent as cashier, to sign notes of the bank to the amount of thirty thousand dollars, and afterwards informed deponent that they had concluded to make an issue of fifty thousand. He, Griswold, afterwards said they wanted some bills of the bank for the purpose of making exchanges. Deponent signed bills of the bank to the amount of fifty thousand dollars on the 8th and 9th instant. Of this amount, ten thousand dollars were paid to John Griswold, the president of the bank, and his receipt, dated January 4th, 1839, taken for the same, of which receipt the following is a copy :

"BANK OF YPSILANTI, }
Jan. 4, 1839. }

"Received of R. Lockwood, cashier, ten thousand dollars of the notes of said bank for exchange, and which I promise to return or account for.

"J. GRISWOLD."

The amount of ten thousand dollars was delivered to said Griswold, Jan. 4th, although the entry was not made on the book until the full amount ordered to be signed was completed on the 8th and 9th inst. This amount was not entered on the books of the bank, but was considered as a cash item. On this receipt is endorsed

the sum of \$3,100. A further part of said new issue was paid out on discounted paper as follows :

James M. Graham's note, dated Dec. 1, 1838, at three months, \$10,000, endorsed A. A. Reed and F. Blake,

James M. Graham, note, dated Dec. 1, 1838, at four months, \$10,000, same endorsement.

James M. Graham, note dated Dec. 1, 1838, at five months, \$10,000, same endorsement.

George B. Harleston, draft accepted by A. G. Ogden, dated Dec. 10, 1838, at four months, \$1,300.

The paper above mentioned was presented to deponent by Lewis Godard, who came to the bank on the 10th January with John Griswold and Philo S. Rawson. Mr. Griswold and Mr. Rawson gave directions to deponent to discount the above paper, and said the money was to be made use of for the purpose of raising funds to aid the bank until the new stockholders came on with funds. The money on the discounted paper, after deducting the discount, was delivered to Mr. Rawson. Deponent does not know that Mr. Godard has any interest in the bank. There has been redeemed within the last two weeks about thirty thousand dollars of the bills of the bank, and the bank stopped payment on Friday last. An injunction was served on the bank on the 20th instant. No assets of the bank have been suffered to go out of the bank since that time, to deponent's knowledge. The circulation as exhibited by the books, is \$82,412. There are also in the hands of Strahan & Scott of Chicago, \$20,000 in bills of the bank, which deponent understands is still the property of the bank. There is no minute on the books, and deponent has seen no receipt. There is also in the bank a receipt of which the following is a copy, viz :
 "Received from the Bank of Ypsilanti, forty-five thousand dollars, to be returned on demand or accounted for.

P. S. RAWSON.

Ypsilanti, 29th December, 1838."

There is an endorsement on this receipt of \$25,000, under date of January 7, 1839. The receipt was left by the former cashier in the bank. There is no entry of the transaction on the books. There is also deposited in the City Bank of Buffalo \$3,497, which deponent understands is subject to the order of the bank.

Deponent is not acquainted with any of the new stockholders of the bank.

Deponent says that a paper annexed, marked B, exhibits a true statement of the affairs and condition of said bank on the day of making the affidavits, as exhibited by the books. The amount entered in said statement as due from the Bank of Owego and the Steuben county bank, are balances which appear to be due from those institutions. P. S. Rawson drew drafts on those banks for \$20,000, which were charged to those banks respectively, and

credited in the books to said Rawson as agent. Deponent has drawn, as cashier, on said banks, for the redemption of the paper of the bank of Ypsilanti, and other purposes. The amount stated to be due from them is the balance between the original amount and said drafts. Deponent knows nothing of the validity of said drafts, excepting that Mr. Rawson declared that they would be honored.

Deponent further says that Mr. Romeyn has not, to the knowledge of deponent, had any interest in or control of said bank since his connection with the institution.

ROBERT LOCKWOOD.

Subscribed and sworn to before me this 23d day of Jan. 1839.

A. FELCH, *Bank Commissioner.*

(No. 6.)

STATE OF MICHIGAN, }
Wayne County, } ss.

George B. Harleston, being duly affirmed, deposes and says, that some time the last of December or the first of January inst. Mason Converse of the city of Monroe, called on affirmant and inquired if he had not some paper which affirmant could lend to him for a short time. Affirmant supposing that said Converse wished said paper for a short time only and to relieve himself (Converse) in some way, told him that he had three notes signed by James M. Graham, and that if he, said Converse, would not place them beyond his own control, he would let him have them for a short time. Said Converse promised this should not be done, but did not explain to affirmant for what purpose he wished said notes, saying that he would explain what he wanted them for at some other time.

Affirmant then let said Converse have the three notes mentioned above, merely as a loan, without the least compensation, and without the least idea that the notes were to be placed in the Bank of Ypsilanti, as affirmant is informed has been done.

Affirmant further says, that some days after the above transaction, affirmant was informed by said Converse that he was coming to Detroit, and affirmant handed him a draft for thirteen hundred dollars, accepted by A. G. Ogden, cashier of the Phoenix bank in the city of New York, for the purpose of getting the said draft cashed in the city of Detroit. Affirmant says that the draft above mentioned was not delivered to said Converse for any other purpose than to obtain the money on the same, for his, affirmant's, own benefit, and he further says that he did not obtain any money on the same draft until the morning of the 27th inst., when said Converse paid affirmant the sum of eight hundred dollars in

the notes of the bank of Ypsilanti, signed by J. Griswold, as president, and R. Lockwood, cashier, and that he has the whole of said amount now in his possession. Affirmant further says, that, said Converse at the same time gave deponent one order on Millard Earl, of Perrysburgh, Ohio, for the remaining five hundred dollars, but affirmant has not yet received the same.

And affirmant further says, that the said Converse came to Monroe on or about the 14th inst., and before the Bank of Ypsilanti had stopped payment, and told affirmant that he had the amount of said draft in the notes of the Ypsilanti bank, but declined giving the same to deponent for the reason, as he alleged, that he had promised that the notes should be circulated out of this state.

Affirmant further says, that he never knew that the three notes so loaned to said Converse were to go into the hands of Lewis Godard, or what was to be done with them, and that he has received nothing for them, and that said notes are still the property of affirmant; and affirmant further says, that there was no endorsement on the notes when delivered to said Converse, and that James M. Graham, the signer of said notes, died some time last spring; and that he explained to said Converse the nature of the transaction between Graham and himself, as a reason why he wished said notes should not be placed beyond his own control.

GEORGE B. HARLESTON,

Subscribed and affirmed this 30th day of January, 1889, before me.

E. TAYLOR, N. P. *Wayne Co., M.*

(No. 7.)

STATE OF MICHIGAN, }
County of Washtenaw, } ss.

John Frink, being duly sworn, on oath says, that he resides in Chicago, in the state of Illinois, and left that city on Saturday last. That about ten days since, John Griswold, of the city Detroit, arrived in Chicago, and took an office for the purpose, as he said, of circulating and redeeming the bills of the Oakland county bank, but did not, to deponent's knowledge, put any of the bills of that bank into circulation. Deponent further says that said Griswold carried with him, as he is informed and believes, a large amount of bills of the Bank of Ypsilanti, and that he saw him exchange with E. A. Clark, about 400 dollars of the notes of said bank, receiving therefor, at par, depreciated bills of several of the safety fund banks of Michigan. Deponent further says, that Messrs. Strahan & Scott, who had previously received the bills of the Bank of Ypsilanti, ceased taking the same, on Thursday of last week. Said Griswold still continued to keep his office as afore-

said in Chicago, when deponent left, but does not know what amount of the bills of the Bank of Ypsilanti have been put into circulation by him.

JOHN FRINK.

Subscribed and sworn to before me, this 1st day of February, 1839.
A. FELCH, *Bank Commissioner*.

(No. 8.)

STATE OF MICHIGAN, }
Wayne County, } ss.

John Griswold being duly sworn, says, that he was requested by P. S. Rawson, and as he believes, by T. Romeyn, Esq., about the 28th or 29th of December last, to go to Ypsilanti and take a transfer of stock in the Bank of Ypsilanti, and become a director of the same.

The reasons which were given for this request, were, that the bank was about to change hands, and that there was some business to be done, which required that some new directors should be chosen, to officiate for a short time. Upon this request, deponent went to Ypsilanti, stating at the same time, that he was about going west, and should not be able to stay a long time. On arrival there, some stock was transferred to deponent, by Theodore Romeyn, Esq., in order to qualify him for a director, but no consideration was paid for the same. After receiving the transfer of stock, deponent was elected as a director, at the same time with Messrs. Stewart, Shattuck, and Rawson, and was then elected president of the bank, it being then understood that such election was but a temporary one, and that deponent would continue in office but a short time.

Deponent was present at the first sitting of the board; at that time Mr. P. S. Rawson presented to the board several notes for ten thousand dollars each, for discount; upon being asked if the paper was good which was presented, Mr. Rawson stated that he knew the makers and endorsers, and that it was good paper. From this state of facts, the board directed the notes to be discounted, and it was accordingly done. Deponent knew nothing of the maker or endorser of the notes, except what was stated by Rawson. Deponent understood that paper then in bank, was delivered to Mr. Romeyn in payment for his stock, and the notes so discounted, were substituted in its place.

Deponent further says, that on the fourth day of January, he was coming into Detroit, and before he left the bank, Mr. Rawson asked if he would bring some money to Mr. Godard for the purpose of being exchanged. Deponent replied in the affirmative, upon which Mr. Rawson, as he believes, handed to him a package, which he, deponent, supposed contained one thousand

dollars only, and which he brought into Detroit and delivered, as requested, and took Mr. Godard's receipt, a copy of which is hereto annexed, marked A. By reference to the receipt, written with a pencil, however, it appeared that it was given for the sum of ten thousand dollars, and which is the same money for which deponent's receipt is now in bank. The whole package so brought in was in the old notes of the bank. And deponent further says, that he never took one dollar of the new notes out of the bank.

Deponent further says that the board directed the old notes of the bank on hand to be destroyed, and appointed Mr. Rawson to superintend such destruction; but he has no knowledge that any were actually burned, except what was derived from Mr. Rawson, who informed him he had burned some twenty-five thousand dollars.

After the board had decided that the old notes should be burned, it was resolved that some new notes should be executed, and there was accordingly signed new notes to the amount of forty or fifty thousand dollars, deponent as president, and R. Lockwood cashier. The new notes so signed, were done expressly upon condition that they should be used out of the state, in Ohio or some distant place, where they would not soon return. On the eighth or ninth day of January, deponent was present when Lewis Godard presented some notes for about thirty thousand dollars for discount. Mr. Rawson stated that the notes were good, and deponent consented that they should be discounted, which was accordingly done, and the money, being all new notes, delivered to Mr. Rawson or Mr. Godard, with the express understanding that it was to be used for exchange out of the state.

Deponent further says that he started west for Chicago, about four weeks since, and at that time he had not to exceed the sum of five hundred dollars, in Ypsilanti bills, none of which were the new bills. Deponent, however, had a draft on Strahan & Scott for ten thousand dollars, which deponent presented to them, and on which he obtained the sum of ten thousand dollars.

Deponent further says, that he has exchanged about four or five hundred dollars of Ypsilanti notes for the notes of the Banks of Clinton, Brest, Saline, and Macomb county, but, in no instance, has he made any such exchange and taken such notes at par; and that he has not exchanged or put away notes of the bank to a larger amount than is stated above.

Deponent further says, that he never considered himself as the permanent officer of the bank, and that it was merely as a favor to those who were interested that he accepted the office for a time.

Deponent further says, that Strahan & Scott continued to redeem the notes of the Ypsilanti bank until about a week since

and that he had induced them to continue the redemption by depositing with them one thousand dollars of the notes of the Oakland county bank, as collateral security, on his own responsibility. The notes so deposited, were the property of the Oakland county bank, and he is accountable for the same. About the time deponent left for the west, he asked Mr. Romeyn whether every thing in regard to the bank was straight and in good faith, to which he replied that it was, and that he considered it as solvent as any bank in the state. Deponent further says that he knew nothing about the affairs of the bank, but relied entirely on the statement of Mr. Romeyn and others.

That the above conversation with Mr. Romeyn, occurred about the time of the transfer, and that since then, he knows nothing of any connection of Mr. Romeyn with the bank.

J. GRISWOLD.

Subscribed and sworn to before me, this second day of February, A. D. 1839.

A. FELCH, *Bank Commissioner.*

A.

[*Copy.*]

Received of John Griswold, ten thousand dollars of the notes of the Bank of Ypsilanti for exchange, and to account for to the Bank of Ypsilanti.

L. GODARD.

January 4, 1839.

(No. 9.)

STATE OF MICHIGAN, }
Wayne county, } ss.

Theodore Romeyn being sworn, says, that he had a conversation with Mr. Godard this morning, and that he stated that he, Mr. Godard, received the sum of ten thousand dollars in the bills of the Bank of Ypsilanti, as is shown by the receipt of Mr. Godard, in the hands of Mr. Griswold; and that he returned two thousand one hundred dollars in Ohio funds, three thousand in drafts of the bank, and five thousand dollars in the notes of the bank; all of which were returned before the bank was enjoined.

THEODORE ROMEYN.

Subscribed and sworn this 2d day of February, 1839, before me.

A. FELCH, *Bank Com.*

(No. 23.)

Second Annual Report of the State Geologist.OFFICE OF STATE GEOLOGIST, }
Detroit, Feb. 4, 1839. }*To the Hon. Speaker of the House of Representatives.*

SIR: I have the honor to transmit to the legislature the accompanying reports and documents, setting forth the progress which has been made in the geological survey for the current year, ending February 3, 1839.

I am, very respectfully,

Your ob't serv't,

DOUGLASS HOUGHTON,
*State Geologist.***REPORT, &c.**OFFICE OF STATE GEOLOGIST, }
Detroit, Feb. 4, 1839. }*To the Hon. Senate and House of Representatives of Michigan.*

In conformity with the requisitions of your honorable body, I herewith transmit such information, touching the progress and general results of the works placed under my charge, as would appear to be called for in an annual report; reserving the great mass of matter which has been accumulated, with the view to an elucidation of the condition and resources of our state, for a *final* report.

Immediately upon the reception of an act "relative to the geological survey," approved March 22, 1838, I proceeded, in conformity with the instructions contained in said act, to organize a geological board, and to divide the complete work in such a manner as to constitute a geological and mineralogical, a zoological, a botanical, and a topographical department.

At as early a day as circumstances would permit, the heads of each of these departments took the field, and continued their arduous duties until the inclemency of the season compelled a suspension of labor; since which time they have been busily engaged in arranging the great amount of information which has been obtained in such a manner that it may eventually be made available.

My individual labor has been chiefly devoted to an examination of the coast of those portions of our state bordering on lakes

Huron and Michigan, together with so much of the interior of the peninsula as circumstances would permit. I have also devoted a portion of the past season to a general examination of some of the southern and central counties of the state, preparatory to the more minute examination which has been commenced and which it is proposed to renew with the first opening of spring.

The geographical information respecting the northern portion of this peninsula is so imperfectly understood that, were it at this time desirable, it would be impossible to lay before you the minute results of the examinations in that portion of the state, in such a manner as to be intelligible, unless accompanied with complete new maps, which could not be expected to be forwarded in a report, that at most, can only be looked upon as setting forth, in a general manner, the progress of the work placed under my charge.

NORTHERN PART OF THE PENINSULA:

Topography and General Character.

The country under consideration, lying west of Saginaw bay, and extending north from townships 10 and 11 north, to the straits of Mackinac, has been so imperfectly known to the citizens of our state that no estimate of its value could be made. No circumstances have occurred to aid in developing its resources, and from the forbidding character of most of the coast, it has very naturally been considered as a flat country, worthless, except for the immense tracts of pine timber which were supposed to exist in it; both of which suppositions are, to a great extent, without foundation. It is true, however, that the northern portions of the peninsula are characterized by a larger proportion of irreclaimable marsh than is to be found in the southern counties, yet notwithstanding this, many portions are not inferior to the other parts of the state.

Several streams of considerable size occur on the northern part of the peninsula; among the most important of which are the Maskego, White, Pere Marquette, Manistee and Platte on the west; Cheboigan on the north, and Thunder Bay, Au Sable, Pere and Tittabawassa rivers on the east.

The Maskego river, which is the largest of the streams enumerated, has its principal source in a group of large inland lakes situated west of the meridian, in about ranges 3 and 4 west, and towns 22 and 23 north. These lakes are almost completely surrounded by nearly impenetrable swamps, covering a large portion of the area of from 7 to 8 townships, the chief portions of which may safely be said to be utterly irreclaimable. From one of the principal lakes of the group mentioned, the Maskego river runs southwesterly in a line partially parallel with the coast of

Lake Michigan, receiving numerous tributaries, until it finally discharges its waters into the last mentioned lake, in town 10 north, range 17 west. The stream through its whole course is extremely crooked, and its total length, including its windings, may be estimated at about two hundred miles. The waters descend with an extremely rapid, though for the most part uniform current, and their depth is very regular. The stream is capable of being easily made navigable for steamboats, nearly, if not quite, to the lake which forms its source. Large portions of the lands situated upon this stream are well adapted to the purposes of agriculture, and although the great majority are timbered lands, there is nevertheless a sufficient amount of prairie to greatly facilitate the settlement of the surrounding country.

The Maskego, like almost all the streams on the western side of Lake Michigan, first discharges its waters into a small lake that is separated only by a very slight distance from the main lake. The Maskego river may be said to furnish one of the best natural "stream" harbors which is found upon Lake Michigan.

The Tittabawassa on the east, which is one of the branches of the Saginaw river, has its source not very far distant from that of the Maskego, and the upper portion of its course is nearly parallel to the latter stream, the Maskego being upon the west side of the summit, while the Tittabawassa is upon the eastern side. The latter stream, gradually curving to the east, discharges its waters through the Saginaw river into Saginaw bay of Lake Huron.

The Tittabawassa is navigable for boats of light draught for a distance of from forty to fifty miles, above which it is obstructed by numerous rapids that will furnish, if properly applied, an abundance of hydraulic power. The surrounding country is considerably elevated, and the banks of the stream sometimes rise quite abruptly to a height of from 20 to 40 or even 50 feet. Portions of the lands in the vicinity of the river are of good quality and well adapted to agriculture; but other portions occur where the soil is of a light sandy character and will require much labor to render it productive. Some valuable tracts of white pine exist in the vicinity of the Tittabawassa, but in consequence of the ravages of fire, which has been communicated from Indian camps, pine in quantities is rarely seen upon the immediate banks of the river.

The Au Sable and Thunder bay rivers are both capable of being made excellent harbors for lake shipping, and they are streams of considerable magnitude. The former may be rendered navigable, but to what distance I am not able to say. The navigation of the latter stream is obstructed near its mouth by a series of rapids, the bed of the stream being composed of limestone in place.

The water of most of the other streams enumerated, like those already mentioned, flows with a brisk current and sometimes with great rapidity. The beds of the streams are chiefly composed of a yellow sand, and the depth is remarkably uniform. An abundance of hydraulic power will be furnished, but the sandy character of the soil, more particularly upon the eastern slope, will sometimes render it difficult to secure from accident the dams which may be erected.

The country north of the southern boundary of Arenac county and east of the meridian, so far as examined, is on the whole but ill adapted to the purposes of agriculture, being chiefly composed of sandy ridges with intervening swales, and rising so gradually towards the central portions of the state as to leave the country extremely flat. There are, however, many valuable tracts of white pine, which will serve to render this portion of the state of some importance. Yellow pine, well adapted for light spar, also abounds.

A large portion of the immediate shores of the lake is composed of marsh.

An exception to the flatness of the country exists in an elevated district commencing in high hills a little south of Thunder Bay river and stretching in a southwesterly direction towards the head of Lake Michigan. This range, at its commencement, is usually known as the highlands of the Au Sable. These hills follow the line of bearing of the rock formation, and no doubt extend diagonally completely across the state, forming a portion of the summit of the more northern part of the peninsula.

The greater portion of the country, after passing the summit west of the meridian, is of a character totally different from that just described. From the site of old Mackinac, at the very extremity of the peninsula, south to the Manistee river, a direct distance of about 140 miles, the immediate shores of the lake are almost invariably considerably elevated, sometimes rising abruptly to a height of from 300 to 400 feet. The country, (more particularly the northern portions,) as we proceeded into the interior, continues to rise, until it attains an altitude probably quite equal, if not superior, to any other portion of the peninsula. This is more particularly the case in the vicinity of, and southeast from Little and Grand Traverse bays. Here the surface is considerably broken by elevated ridges of limerock, which are, without doubt, a continuation, of the line of bearing of the great limestone formation of Wisconsin.

In proceeding south from Grand Traverse bay, the interior of the country would appear to become less elevated, or gradually to fall away to the southeast, while the elevation of the coast is increased; a circumstance which will serve to account for the general direction of the two principal streams, the Maskego and

Tittabawassa rivers. The elevated shores of Lake Michigan, which when viewed from a distance have the appearance of sand, are found in reality to be composed, except in the recent sand dunes, of alternating layers of a highly marly clay and sand.

The hilly limestone region to which allusion has been made, is mostly heavily timbered with beach and maple, and although portions of it are rather broken, it is as a whole admirably adapted to the purposes of agriculture.

After leaving the limestone district, in passing south, the country becomes more variable, the soil sometimes assuming a sandy character. The face of the country is also generally more level, although some districts are considerably rough.

This northern portion of the peninsula is usually regarded, by the inhabitants of our state, as possessing too rigorous a climate to admit of agriculture, but this is an error which deserves to be corrected. The Ottawa Indians residing on Little Traverse bay, and who have somewhat extensive cultivated fields in the elevated limestone district of the interior, more particularly in the vicinity of one of the southwestern forks of the Cheboigan river, inform me that their crops of corn have not failed within their recollection to yield largely, and certainly I never saw finer corn than in some of their fields.

The soil of these lands is strictly a "*warm*" one, and exposed as it is to the vivifying influences of the southern winds during the summer, it cannot fail to be productive. In this respect the country on the western slope is precisely the opposite of that on the northerly and easterly slopes, for this latter district is constantly subject to the chilling influence of the northerly winds from Lake Superior, an influence which even the most cursory observer could hardly fail to notice. This difference of circumstances, even were the character of the soil similar upon the opposite sides of the peninsula, could not fail materially to affect the value of the lands for the purposes of agriculture, adding to the value of those of one district while it would detract from those of the other.

Rocks.

The examinations of the past year, in the northern and unsettled portions of the peninsula, have been wholly of a general character, and were made with a view of determining, as far as possible, the precise points to which the minute examinations can, hereafter, be directed with the greatest profit. These examinations cannot be completed in such a manner as to enable us to delineate the geology of that country upon our maps, until the United States' linear surveys be completed. These latter surveys, which during the past year have been extended as far north as town twenty-six, have nearly reached a portion of the penin-

sula, which, in a geological point of view, is possessed of the highest interest. Several parties of surveyors are now nearly in readiness to commence the work north of the town mentioned, and we confidently hope, that during the ensuing year the chief part of the subdivisions which remain to be done, may be completed.

It is not my intention, at this time, to enter into a minute description of the order of superposition of the rocks, over the large area of country under consideration, nor would it be possible; were it desirable, to present the subject to you in such a shape as to render it intelligible without the aid of diagrams. The accompanying descriptions will, therefore, be almost exclusively confined to those points at which the *out-crop* of rock occurs under such circumstances that it may be made available for practical purposes, together with such suggestions as the circumstances may appear to warrant.

The rocks of this northern portion of the peninsula may be regarded as referable to the great carboniferous group of the state, a position to which their fossil contents is amply sufficient to substantiate their claim. In this respect they coincide with the rocks heretofore described as occupying the southern counties; nevertheless, it must be borne in mind, as there stated, that these rocks occupy a very different position in the series.

The rocks of the district under consideration consist of a succession of limestone, with intervening shales, sandstones and clays; and as we approach the very extremity of the peninsula, the limestone is shattered, in a manner similar to that exhibited by the sandstone in the southern counties of the state.

The line of bearing of the members constituting this group of rocks, not only in the northern but likewise in the southern portion of the peninsula, is regularly northeasterly and southwesterly, a direction which it is believed the rocks upon the opposite side of Lake Michigan, will also, at least to a certain extent, be found to pursue. The general characters of the separate portions of the group are preserved, in a remarkably distinct manner, at great distances, and the mineral contents are but little varied.

My examinations would lead me to infer that the coal of the central portions of our state, and that upon the Illinois river, is embraced in a rock which belongs to the same portion of the great basin; a conclusion which, if borne out, will aid much in determining some important points, respecting the relation which the neighboring rocks bear to each other.

I am also led to conclude that that portion of the rock series which, in Illinois and Wisconsin, embraces the ores of lead, is identical with a portion of the rock formation which occurs in the northern part of our own state; a circumstance which might

fairly have been inferred from the general line of bearing of the rock. Whether this extension of the rock also contains that mineral, in sufficient quantities to be of any practical value, remains yet to be determined.

A slight glance at the map of our state will sufficiently explain the relation which Saginaw bay, of Lake Huron, holds to the *line of bearing* already mentioned. This great arm of that lake, stretches in a southwesterly direction, making a deep indentation in the peninsula, and occupying a denuded space in the sandstone, just at that point where the latter comes in contact with the limestone of the north. Thus while the southerly portions of the bay are characterized by the appearance of abrupt, but low cliffs of sandstone, which rock may be traced in a southwesterly direction completely across the peninsula, the opposite, or northerly shore, is not less marked by the occurrence of limestone, which stretches in a like manner, southwesterly to Lake Michigan. This limestone forms several of the headlands and small islands of Saginaw bay and Lake Huron, and also occasionally appears in the beds of the streams, giving rise to rapids near their places of embouchure.

In proceeding northerly from the mouth of Saginaw river, limestone is first noticed, forming the very extremity of Point au Gris. Quarries have been opened here, and a rough building stone obtained. It is of compact structure, tolerably adapted to resist the action of the elements, and being situated as it is, in such a manner that the stone may be readily quarried and transported, it is a point from which the country in the vicinity of Saginaw river may be more economically supplied, with this character of stone, than from any other. By judicious selection, portions of it may be made use of for the manufacture of lime, but the great mass is of too siliceous a character to admit of use for that purpose.

Limestone still more siliceous in its composition, occurs on the Charity islands, where it may be quarried to a limited extent, and will answer a good purpose for rough walls. The rock of these islands, for the reason already stated, will scarcely admit of being applied to use for the manufacture of lime. That at Great Charity island contains large quantities of imbedded chert.

Between Charity islands and the southerly cape of Thunder bay, limestone appears at short intervals, but at such low levels (usually forming the bed of the lake,) as to be of no practical value. At this latter point the rock occurs in an abrupt cliff, which rises directly from the water, to a height of from ten to twenty feet, and is continued for the distance of half a mile.

The limerock alternates with layers of a fissile clay slate, the latter of which composes about two-thirds of the whole outcropping rock forming the face of the cliff. The limestone may be

easily quarried, and portions of it would answer tolerably well for architectural purposes, but as a whole, in consequence of the irregular shapes into which the rock is liable to separate, it is of inferior quality.

At a distance of something less than two miles, southeast from the cliff just mentioned, a dark colored and highly bituminous shale occurs, forming a small island. This island, which, during the past season, in consequence of the high water, has been nearly submerged, is usually denominated Sulphur island.

This bituminous shale, which is seen to extend a considerable distance around, forming the bed of the lake, dips below the limestones just described, and may be regarded as of no great thickness. Small specks and nodules of iron pyrites are imbedded in it, and so completely is the whole mass saturated with bitumen, that when thrown upon "the fire" it blazes freely. From this circumstance it has been mistaken for coal, and considerable quantities of it were actually shipped to Detroit, under this delusive supposition.

Limestone is again seen in the bed of Thunder Bay river, at a distance of about one mile from its mouth. Over the *out-cropping* edge of the rock the waters descend in a series of very brisk rapids; and the stream is capable of furnishing a greater amount of hydraulic power, at this point, than has been noticed at any single place on the peninsula. Were it not that the sandy nature of the banks would render much care necessary in order to make the works secure, it might be very cheaply applied; and occurring, as it does, near the mouth of a large stream, which will furnish a safe harbor for lake vessels, the great value of this immense power, for application to mechanical purposes, cannot fail to be eventually appreciated.

Limestone was not observed at any point upon Thunder bay river, sufficiently elevated, to admit of its being quarried.

Lime rock also occurs at the northerly cape of Thunder bay, the Thunder bay islands and Middle island, as also at several intermediate places upon the coast; but it chiefly occurs either below the water of the lake, or so little elevated above it as scarcely to be capable of being turned to any considerable practical account.

Outer Thunder bay island is composed of limestone, covered, in part, by a very thin deposit, chiefly of vegetable matter. An inferior coarse building stone may be obtained, in considerable quantities, upon this island, but it is extremely irregular in shape, and not of the most durable character.

The southerly portion of outer Thunder bay island is composed of a shelly or sub-slaty, silicious limestone, considerably charged with bitumen, and almost wholly composed of a congeries of fossils, the animal matter of which has undoubtedly given

rise to the bituminous character of the rock. It possesses much interest in a scientific point of view, but is of no value for any practical purposes.

Much of the surface of Middle island is composed of loose masses of a limestone, which is admirably adapted to the manufacture of lime. Occurring, as these masses do, of a convenient size, the labor of quarrying is saved, while the manufactured lime may be safely and conveniently shipped. The manufacture of lime, for the counties bordering on the lower rivers, may be safely and economically carried on at this point. Several kilns have already been burned upon the island.

Between Middle island and Forty mile point, limerock appears, at intervals, forming the bed of the lake. The rock was not noticed, at any place, to rise above the surface of the water, and although it is of a compact and regular structure, and well adapted for practical use, its submerged situation will effectually prevent its application to any useful purpose.

Limerock again occurs at the straits of Mackinac and in the vicinity. It appears upon the island of Mackinac together with Bois Blanc, Round and St. Martin's islands, as also upon the northern peninsula, north from Mackinac.

The island of Mackinac, which has a circumference of about nine miles, rises in rocky cliffs, upon its easterly and southeasterly portions, very abruptly, to a height varying from 120 to 150 feet.

The site of the present Fort Mackinac is elevated 150 feet above the water of the lake. Beyond the first elevation, upon which the fort is situated, there is a somewhat level plateau, which, however, rises gradually, until by a final and quite abrupt ascent, the island attains its greatest elevation, being 219 feet. This final elevation, which is somewhat conical, has a flat area of limited extent on its very summit, upon which, during the late war, Fort George, afterwards called Fort Holmes, was erected. This beautifully situated spot furnishes one of the finest views of the surrounding coast and islands that could be conceived.

The island of Mackinac is based upon limestone, with a very superficial covering of soil. This soil, in consequence of the large amount of calcareous matter which enters into its composition, possesses a fertility that a superficial examiner would scarcely ascribe to it.

The limestone chiefly consists of an irregular assemblage of angular fragments, united by a tufaceous cement. These fragments usually appear, at first sight, to possess a compact structure; but a more minute examination shows them to contain numerous minute cellules, sufficiently large to admit water, which, by the action of frosts, subjects the rock to rapid disintegration. Portions of the rock may, nevertheless, be selected partially free from this

difficulty, and which are possessed of sufficient compactness to render them of value as a coarse building stone.

Hornstone, striped jasper, imperfect hog-tooth spar, calcareous spar and fluor spar occur imbedded in the rock, although the latter is of very rare occurrence.

Limestone, of a similar character, constitutes the chief portion of Round island; but here the rock is more compact, and will prove less subject to disintegration than that before mentioned. It will answer a good purpose as a coarse building stone.

A range of somewhat elevated hills, of limerock, occurs upon the main land, northwesterly from Mackinac, commencing a short distance inland. One of these hills, known as the "Sitting Rabbit," presents an abrupt cliff, destitute of vegetation upon its southerly side. This rock is, without doubt, identical, in geological position, with that upon the islands last mentioned.

The low group known as the St. Martin's islands are also composed of a similar limestone.

The shattered and deranged condition of the rock upon the island of Mackinac, and its vicinity, gives the whole mass a peculiarly complicated structure, and has led to what is conceived to be an error respecting it. Thus the rock has been described as a conglomerate, destitute of stratification, a conclusion which would appear to have been drawn without a proper consideration of the facts connected with the subject. That the fragmentary masses, composing the main portions of the rock, have not been transported, is conclusively shown by the fact that the most delicate angles are preserved, a circumstance which could not have taken place had they been subjected to the action of water, before being cemented. A careful examination has shown that portions of the rock still remain, in which the relative position of the original lines of stratification are preserved for an extent of several rods; and on Round island the line of stratification was traced for a distance of nearly half a mile.

The rock in question, no doubt occupies very nearly its original *relative* situation, and its present condition may be ascribed to an uplift of the strata, subsequent to the complete induration of the rock; a cause which is amply sufficient to account for the present appearances. The fragments thus separated have been imperfectly cemented by the gradual infiltration of calcareous matter, thus re-uniting the complete mass.

It is well known that portions of the sandstone, in the southern counties of the state, are shattered in a similar manner; but in this instance the fragments have not been re-united.

The *old red sandstone*, over a large area, in the vicinity of the Porcupine mountains of Lake Superior, has been similarly disturbed, and the protruded trap rocks, which occur in the immediate vicinity, afford a sufficient explanation of the causes which have

been most active in producing it; facts which should not be lost sight of in explaining the causes of the present condition of the rocks in the vicinity of Mackinac.

From the island of Mackinac to Little Traverse bay, rock does not appear upon the immediate shore of the lake, though hills based upon limestone, stretch at a distance, through the interior. These hills approach very near the head of the bay mentioned, where they attain an elevation of several hundred feet; and as a whole they probably constitute the most elevated and regular chain of hills on the peninsula.

On the easterly side, and near the head of Little Traverse bay, the lime rock *crops out*. It continues for a distance of nearly a mile, forming an abrupt cliff, elevated from 10 to 30 feet.

This rock varies from a dark blue and compact limestone to that of a greyish color and sub-crystalline structure. The rock may be easily quarried, and portions of it will answer a tolerable purpose as a building stone. But much of it is of an inferior quality; for the dark blue limestone is subject to break into irregular fragments, while much of the grey rock is either too flaggy, or contains so large a proportion of argillaceous matter in its composition as to render it unfit for use.

At a distance of from two to three miles westerly from the place of *out-crop* just mentioned, the rock again appears, in a continuous cliff, elevated from 15 to 20 feet.

The inclination of the rock is here northwesterly. It continues for a distance of about three-fourths of a mile, when it dips beneath the water of the lake. This series of rocks no doubt overlies that last described.

The separate strata of this cliff, at its highest point, are represented, in a descending series, as follows: the rock being overlaid by about one foot of soil:

1. Siliceous limestone almost partaking of the character of sandstone—9 feet.

2. A confused mass of broken fossils, chiefly encrinurites and cyathophylæ, imbedded in clay—2 inches.

3. Vesiculated chert, colored with iron—4 to 8 inches.

4. Flaggy limestone, mostly separable into layers varying from one-fourth of an inch to one inch in thickness; the laminae usually forming a small segment of a large circle—8 feet.

5. Bluish clay (having the odor and appearance of silt,) divided by septae into irregular masses. It contains imbedded semi-crystalline grains of iron pyrites, which has the appearance of coarse golden yellow colored sand. About four feet of this stratum appears above the surface of the lake, and it was estimated to extend 4 feet below, making its total thickness 8 feet.

This clay is underlayed by limestone.

The rock appearing in the cliff is, as a whole, of an inferior

quality for economical purposes, yet portions may be selected which would answer a very tolerable purpose as a building stone.

Limestone was noticed, at intervals, forming the bed of the lake, as far south as the northerly cape of Grand Traverse bay. At this latter place it was last seen to rise above the surface of the water, attaining an altitude of from 4 to 8 feet.

This rock contains large quantities of imbedded horastone arranged in irregular layers, varying from 2 to 12 inches in thickness. The siliceous matter having been deposited in thin successive layers gives the whole mass of hornstone a beautifully zoned appearance.

Portions of the limestone rock will furnish a tolerably good material for use as a coarse building stone, but as a whole it is of inferior quality.

About four miles southeasterly from the lime rock last described, and just within Grand Traverse bay, a dark colored bituminous slate, containing nodules of iron pyrites *crops out*, and continues at intervals for a distance of a mile. It closely resembles that before described as occurring at Sulphur island, near Thunder bay, except that it is not so highly charged with bituminous matter. The rock is of no practical importance.

South from Grand Traverse bay to the southerly boundary of the state, rock was not seen, *in place*, upon the immediate shores of the lake, but it occurs at many points a little in the interior, one of which may be noticed as being immediately connected with the rock strata under consideration.

This *linerock* comes to the surface in a hilly region, lying between Pere Monquette and White rivers, (town 15 north,) at a distance of from 10 to 12 miles from the shore of Lake Michigan. The surrounding country, embracing between one and two townships, is composed of broken, conical hills, rising abruptly to a height varying from one to two hundred feet. From the bases and sides of these hills numerous beautiful springs of water are discharged.

The rock is mostly covered with soil, and its character is not well determined, but situated as it is, at a distance from the coast, and not near any navigable stream, it is at the present time of no practical value.

In connection with the subject under consideration, I would call your attention to the immense quantities of rolled pebbles of limestone which occur on the shores of Lake Huron, more particularly between Thunder bay and Forty Mile point. The shores are lined at short intervals, with these masses, consisting of the harder portions of the rock, which have resisted the action of the elements. These masses, possessing, as they do, great uniformity of size, are admirably adapted for use in the construction of roads.

The coast is not unfrequently lined, many feet in thickness, with these fragments, and so situated that vessels may be readily laden with them. Occurring in the form they do, the expense of pounding will be saved, and no preparation will be required to fit them for immediate use in macadamizing roads.

It is well known that great numbers of vessels annually pass down the lake "in ballast," and it is deserving of serious consideration whether sufficient inducement could not be given, for the transportation of this material for use upon the roads in the vicinity of Detroit river.

The finer gravels have already been considerably used for gravelling walks, but I am not aware that any use has, as yet, been made of the larger stones which occur in such abundance upon the upper lake coast.

Tertiary Clays.

A large proportion of the rocks of the peninsula are overlaid by a series of beds of clay, sand and gravel, that sometimes attain a thickness of several hundred feet. These beds compose a group of deposits, the lower portions of which, so far as I am able to determine are destitute of fossil remains. Some of the members of the group, would appear to be of a local character, occupying but a limited extent; while others are spread over a large area of country. Of these deposits, perhaps no one occupies a greater extent than the lower clay, which is nearly universal upon the border portions of the peninsula.

The members of this group are most largely developed upon those parts of the peninsula bordering on the coast, and they gradually become thinner as we proceed inland, until they finally wholly disappear; their place being supplied either by rock *in place* or by diluvial deposits.

The great thickness of the exposed portions of these *tertiary* beds, upon the northwest part of the peninsula, afford ample opportunities for examining this interesting series of deposits. But since the consideration of the subject, *as a whole*, will be left to the future, a few allusions only will be made to some of the clays embraced in the series.

The lower clay, which is usually of a blue or bluish gray color, is almost universally more or less filled with imbedded pebbles, chiefly of *primary* rocks, which sometimes, though rarely, attain to several hundred pounds weight. These water-worn masses usually completely ruin the clay for all practical purposes, but in a few instances the clay has been found sufficiently free from them to admit of use, for the manufacture of bricks. The thickness of this clay is known only at a few points; and as the deposit was made unconformably upon an unequal surface, its thickness must be subject to very great variation. In the vicinity of Detroit it

has been sunk completely through and found to have a thickness of 118 feet.

This lower deposit of clay, in the southeastern part of the state, is usually overlaid by a stratum, varying from 1 to 5 feet in thickness, of an exceedingly fine marly clay. This clay, when sufficiently free from lime, is well adapted to the manufacture of bricks and earthen ware.

On the northwestern side, bordering on Lake Michigan, the upper clays are much more largely developed than upon the more southeasterly portions of the peninsula. These deposits of clay alternate with beds of sand and gravel, the whole sometimes attaining a thickness of from 100 to 400 feet. The separate beds vary considerably in character; the upper usually containing a much larger proportion of lime than the lower ones, yet they usually agree in possessing an extreme fineness of texture. Many portions of these clays, appearing in the abrupt shores of Lake Michigan, are well adapted to the manufacture of bricks and earthen ware, but they usually contain so large a proportion of lime as to render them unfit for use for those purposes. Some portions of these clays, in which lime enters largely as an ingredient, rather deserve the name of marls, and they are admirably adapted for use upon the sandy lands of the northern part of the peninsula.

Shell Marl.

Several beds of shell marl were noticed upon the northwesterly side of the peninsula; and upon the eventual settlement of the country they will prove of great value to the agriculturist, as well as for the manufacture of lime. In consequence of the unsurveyed condition of the country, it is impossible, at this time, to designate the localities.

White river of Lake Michigan takes its name from the occurrence of a bed of shell marl, of a very white color, directly at its mouth. The marl composing this bed would appear to have been deposited in an old channel of the river, which had been shut up by the action of the winds and waves upon the sand at its mouth, and afterwards to have been buried many feet in depth by drifting sands. In process of time the river returned to its former place of embouchure, thus laying bare the marl in question. It will prove a valuable material for the manufacture of lime, as well as for application to the light sandy lands in the immediate vicinity. The bed is not extensive.

Gypsum.

Gypsum occurs, associated with the northern limestone, but for the most part under circumstances that will effectually prevent its being obtained in any considerable quantities.

Gypsum of a beautiful white color occurs in the bed of the lake a little north from Point au Grais river, but to what extent it is impossible to determine, for it is covered by several feet of water, which will effectually prevent the working of the bed.

On the St. Martin's group of islands, near Mackinac, gypsum also occurs, chiefly in loose pieces, scattered over the islands. A bed of gypsum is said to be associated with the limerock in the immediate vicinity of these islands, and in such a situation that during the low stages of water, it appears above the surface; but at the time of my examination it was covered by several feet of water. I am informed that some years ago several ship loads of gypsum, collected in loose masses upon the St. Martin's islands, were transported to the lower lakes. Nearly all which appeared upon the surface has been removed, and the low level of the islands will effectually prevent any considerable explorations for more.

Gypsum also occurs on the *northern peninsula*, between Green Bay and Mackinac, but to what extent has not yet been determined. Small quantities have also been collected and shipped from this part of the coast.

Change of Elevation in the Waters of the Great Lakes.

Intimately connected with the geological changes which are taking place, from the deposits of detrital matter at the mouths of streams, and in the deeper portions of the lakes, together with the degradation of the lake and river coasts, are the changes in the relative level of the waters of the lakes; a subject to which the attention of our citizens has been more particularly called within the past two years.

The great interest which this subject possesses in connection with our lake harbors, as well as with those agricultural interests situated upon the flat lands bordering the lakes and rivers, may be a sufficient apology for the introduction, in this report, of the accompanying facts and reflections upon the subject. An accurate and satisfactory determination of the total rise and fall of the waters of the lakes, is a subject, the importance of which, in connection with some of our works of internal improvement and harbors, can, at this time, scarcely be appreciated.

Much confusion is conceived to have arisen, in the minds of a portion of our citizens, in consequence of a confounding of the regular *annual* rise and fall to which the waters of the lakes are subject, with that apparently irregular elevation and subsidence, which only appears to be completed in a series of years; changes that are conceived to depend upon causes so widely different that while the one can be calculated with almost the same certainty as the return of the seasons, the other can by no means be calculated with any degree of certainty.

It is well known to those who have been accustomed to notice the relative height of the water of the lakes, that during the winter season, while the flow of water from the small streams is either partially or wholly checked by ice, and while the springs fail to discharge their accustomed quantity, the water of the lakes is invariably low.

As the spring season advances, the snow that had fallen during the winter is changed to water, the springs receive their accustomed supply, and the small streams are again opened, their banks being full in proportion to the amount of snow which may have fallen during the winter, added to the rapidity with which it has been melted.

The water of the lakes, in consequence of this suddenly increased quantity received from the immense number of tributaries, commences rising with the first opening of spring, and usually attains its greatest elevation, (at least in the upper lakes,) some time in the month of June or July. As the seasons advance, or during the summer and a large portion of the autumnal months, evaporation is increased, and the amount of water discharged by the streams lessened, in consequence of which the water of the lakes falls very gradually until winter again sets in, when a still greater depression takes place from the renewed operation of the causes already mentioned.

The *extreme variation* in the height of water from winter to summer is subject to considerable change, according as the winters may vary from cold and dry to warm and wet; but during the past eight years, it may be estimated at two feet.

This annual rise and fall of the water of the lakes, dependent as it manifestly is, upon causes which are somewhat uniform in their operation, must not be confounded with that elevation and depression to which the waters are subject, independent of causes connected with the seasons of the year. These latter changes which take place more gradually, sometimes undergoing but little variation for a series of years, are least liable to be noticed, unless they be very considerable; but with respect to consequences they are of vastly more importance, since they are subject to a larger and more permanent range.

That the waters of the lakes, from the earliest settlement of the country, have been subject to considerable variation in relative height, is well known. At one time the belief was very general that these changes take place at regular intervals, rising for a space of seven years, and subsiding for a similar length of time; a belief which would appear to be in consonance with that of the Indians upon the peninsula, and with whom it no doubt originated. It is not wonderful that a subject, the causes of which are so little comprehended by our natives, should be invested with an air of mystery, or that an error once propagated (in consequence of the

long series of years required to bring about any considerable change,) could scarcely be eradicated.

While the idea of the septennial rise and fall must be regarded as founded in error, it is nevertheless true that from the earliest records, the height of the lakes has been subject to a considerable variation, usually rising very gradually and irregularly for a series of years, and after this falling in a like manner.

Our old inhabitants agree in stating that the waters were high from 1800 to 1802; in proof of which it is stated that the roads which had before been in use upon the banks of the Detroit river, were so completely inundated as to be rendered impassable. A similar circumstance is related to have occurred in the vicinity of Chicago, a broad sandy beach forming the immediate shore of the lake near that place, having been wholly overflowed.

I have been unable to obtain authentic information respecting the changes which took place between the years just mentioned and 1814, but from the latter year to the present time, we have a more connected series of facts relating to the subject.

"It is now a matter of record, that in 1814 and 1815 the Detroit and St. Clair rivers were unusually high; that the foundations of the houses, and much land that had long been under dry cultivation, were submerged. These buildings had been erected many years before, and of course under the belief that they were aloof from all but extraordinary and temporary inundations. No observations appear to have been made upon the progress of the elevation, whether it were gradual or abrupt, or whether there were any preceding seasons of a character to produce it."

"In 1820, or about that time, the rivers had resumed their usual level. Several wharves were built at Detroit, between that year and 1828, at a height, as was supposed, sufficiently above the general level for all purposes of convenience and safety. At the latter date the rivers had again attained the elevation of 1815, and remained so until 1830, with only such occasional depressions as might be caused by strong winds, being nearly upon a level with the wharves."

From 1830, when my attention was first drawn to this subject, to the present year, I have been enabled to make a somewhat connected series of observations, under circumstances peculiarly favorable, having, during that time, followed the complete line of coast, from the foot of Lake Huron to the head of Lake Superior by canoe, and having traversed portions of the coast several times, thus being enabled to renew observations at points where they had been previously made. During the time of these examinations, I have been enabled to fix, with a considerable degree of

*The above extracts are from the pen of Col. Henry Whiting, U. S. Army, and their value is much enhanced from the fact that they embrace only such portions of the subject as were the result of his personal observation.

certainty, upon the height at which the waters of the lakes stood in 1819 and '20, when they were at their lowest level; a step which was conceived to be one of the first necessary in determining the complete range between high and low water.

For the last two years my attention has been more particularly called to the coast of Lakes Huron and Michigan, and I feel confident in asserting that the water of these lakes has, during the last year, (1838,) attained a greater elevation than has before occurred in a very great number of years; a fact which is conclusively shown by the renewed degradation of banks covered with debris, that had long remained undisturbed, as well as by the great number of forest trees, sometimes covering many acres of ground, that have been destroyed in consequence of inundation. Many of these forest trees may be estimated to have attained an age of from one to two centuries.

In order to arrive as nearly as possible at correct conclusions as to the variation in the height of the water of the lakes from 1820 to 1838, I have carefully compared my own observations with those contained in an invaluable register, kept in this city by Col. Henry Whiting, U. S. Army, as also with the valuable data contained in the report of the State Topographer, hereto appended. It should be noted that the height of the water in the Detroit river is much more subject to fluctuation from slight causes, such as the effects of the winds and ice, than that in the open lakes; causes for the operation of which, it is sometimes difficult, if not impossible, to make the proper allowance. In fact, slight causes are productive of such changes as to render it absolutely impossible to arrive at accurate conclusions, except by simultaneous observations, made at points widely separated.

Assuming June, 1819 and '20 as zero, or the point of low water, the following table will not vary very far from an accurate statement of the relative height for several of the subsequent years.

	Ft. in.
June 1819 and 20,	0.00
" 1828, rise,	2.10
" 1830, same level,	2.10
" 1836, rise,	10—3.08
" 1837, "	5—4.01
" 1838, "	7—4.08 Total.

In examining this table of relative heights, it should be borne in mind that this estimate does not include the regular yearly variation to which the waters of the lakes are subject. The estimates, it will be seen, are made from June of each year, or that month in which the waters are invariably high; but it is conceived the result would not be varied were the calculations made from any other month in the year, provided the same month were

selected for the observations of the succeeding years. Were the difference in height computed from February, 1820, to June, 1838, the total amount would be found to be increased to about six feet eight inches, a method of estimating which would lead to conclusions wholly unwarranted; nevertheless the assumption of these defective premises may serve to account for the exaggerated statements which have so often been made, of the increased height of these waters.

This rise of water has by no means been confined to the great lakes, for the waters of the small lakes through the whole interior portions of the state have, unless their waters are discharged through broad and shallow outlets, been increased in a like manner. Small streams, the width of which, at their points of intersecting the section lines, were recorded by the United States' surveyors, in those surveys made from 1820 to 26, have been found, in many instances, during the past year, to have nearly double the width assigned them; and mills have actually been erected upon streams which, according to the field notes taken in the years mentioned, must at that time have been nearly dry. It is also well known that within the last few years, (preceding 1838,) portions of the elevated country which were previously dry, have been inundated with water; springs have burst out where they had been previously unknown, and that marshes, which before contained but little water, have been transformed into small ponds or lakes.

These changes have not been peculiar to Michigan, for they have been noticed, more or less, over the whole western part of the United States, and perhaps it may not be too much to add, over most of the northern part of the continent; and they are changes which, from the immense extent affected, must depend upon causes which have operated in a very general manner.

It is well known that the water of all streams, during the occurrence of a wet and cold season, when the fall of rain is increased and evaporation diminished, is augmented, and that the augmentation or diminution will be in proportion as these causes are in more or less active operation. Our great chain of inland lakes, so far as these causes may be supposed to operate, may be regarded as a stream of great width, and must necessarily be liable to be affected by similar causes; although when the great extent occupied by these bodies of water is taken into consideration, it can be readily understood why these causes when once brought into operation would produce their results more slowly, as well as why the results once produced would be of a more permanent character.

That the changes in the relative height of the waters of the lakes may be dependent upon the operation of a similar series of general causes, operating for a succession of years, I have many

reasons for inferring. The succession of cold and wet seasons immediately preceding 1838, have been proverbial over the whole western country; and the unfavorable influence which these wet seasons have produced, more particularly upon those farming interests situated on low and flat lands, has been severely felt by that portion of our agricultural community. While these facts may be apparent to all, it is nevertheless desirable to refer to the subject in a more definite manner; a task which is rendered somewhat difficult, for the reason that, until the last few years, continuous tables, indicating the amount of rain which has fallen, have only been kept at a very limited number of places in the United States.

The total amount of rain which fell at Philadelphia (as shown by a register, chiefly kept at the Pennsylvania hospital) from 1810 to 1814 inclusive, or during the five years immediately preceding the high water of 1814 and '15, was 185.68 inches; and the amount which fell at the same place from 1815 to 1819, the five years immediately preceding the low water of 1819 and '20, was 151.14 inches; showing an excess of 34.53 inches, or a fraction over 2 feet and $10\frac{1}{2}$ inches for the years immediately preceding the stage of high water.

The amount of rain which fell at Philadelphia, as deduced from the same table, from 1816 to 1826 inclusive,* was 364.43 inches, and from 1827 to 1837 inclusive,† 451.05 inches, being an increase, in the last eleven years, of 86.62 inches, or a fraction over 7 feet $2\frac{1}{2}$ inches.

The amount of rain which fell at Marietta, Ohio, (as deduced from the tables of Dr. Hildreth,) from 1819 to 1828 inclusive,‡ was 202.83 inches, and from 1828 to 1832 inclusive,|| was 228.17, showing an increase during the last five years estimated, of 25.34 inches, or a fraction over 2 feet $1\frac{1}{2}$ inches.

That there has been a corresponding increase in the amount of rain that has fallen within the area of the great lake basin, I am not able to show by actual data, but the known increased size of the numerous tributaries, together with the other facts mentioned, will go far to substantiate the opinion that the fall of rain over that area has been greatly increased during that time.

According to the estimate of the State Topographer, it appears that the basin of the great northwestern lakes has a superficial area, nearly four times larger than that of the lakes themselves. Now if we may be allowed to assume that the increase of the amount of rain which has fallen into this basin, during the last

* Eleven years, embracing the complete time from which the waters had perceptibly commenced falling, until they had again nearly attained the same altitude.

† Eleven years, during most of which time the waters have been steadily increasing in height.

‡ Five years, embracing the time of low water.

|| Five years, during most of which time the water was increasing in height.

eleven, of the fourteen years estimated, be equal to the increase at Philadelphia, during that time, it would follow that, had all sources of discharge been cut off, this cause alone would have been sufficient to elevate the waters of the lakes about 29 feet;* an elevation more than six times greater than that which is estimated to have taken place.

When we take into consideration, in connexion with the causes already enumerated, the fact that during the wet years, evaporation must have been less than during the dry ones, it may fairly be presumed that sufficient *apparent* causes have existed, to produce all the results which have been noticed; and we may add, should a succession of dry and warm seasons follow, we may look with certainty for a return of the water of the lakes to its former low level.

SOUTHERN PART OF THE PENINSULA.

A small portion of the season was devoted to general examinations, chiefly in the counties of Calhoun, Branch, Hillsdale and Jackson, but as it is proposed to commence the minute examination of these counties with the first opening of spring, it will not be desirable to lay the mass of facts collected before you at this time.

The *county of Calhoun*, which in an agricultural point of view cannot be looked upon as second to any county in our state, is abundantly supplied with many of those materials which, if properly appreciated, may be made to add much to the eventual prosperity and wealth of the people. But while the agriculturist reaps a rich reward for his labor, in abundant crops, he should not fail to bear in mind, that the soil which is now yielding so abundantly, will, unless the most watchful care be used, sooner or later be rendered comparatively sterile. With a lavish distribution of all that will be required to retain the original fertility of the soils of this county, it is to be hoped that those most deeply interested will not neglect to turn the materials around them to the best account.

The whole northern part, *at least*, of *Calhoun county*, is based upon the sandstone series of the great carboniferous group of rocks. The outcropping edge of this rock furnishes an abundance of a material well adapted to the purposes of building. Quarries have been opened, at short intervals, through nearly the whole of that portion of the county traversed by the Kalamazoo river, as well as upon several of the tributaries of that stream, and with a little care in selection, it is admirably adapted to the purposes to which that rock is usually applied.

*It is not, of course, supposed, that had the sources of discharge been cut off, this would have been the *actual* result, for the estimate is made without any reference to the increased evaporation and other causes, which would have been brought into action in consequence of the extended area.

Shell marl occurs at numerous points in the county, occasionally in beds of considerable extent, and it may be profitably applied to use, either as a manure or for the manufacture of lime, an article, of which, under other circumstances, the county would be nearly destitute.

Fibrous peat also occurs in considerable quantities, and when properly prepared, in the compost heap, will prove of great value to the farmer in enriching his lands.

The articles of marl and peat, occurring as they do, at very short intervals through most of the county, will eventually be of a value, in sustaining the agricultural interests, that at the present time can scarcely be appreciated. It is true that most of the gravelly soils, which predominate through Calhoun county, contain at this time, sufficient calcareous matter to favor the growth of the small grains, more particularly wheat and rye, which are well known to require a comparatively large proportion of that ingredient in the soil, to insure productive crops; but the time will come when this will cease to be the case, and when the marl beds must be called upon to supply the deficiency.

The county of Calhoun, together with the adjoining portions of Jackson and Hillsdale, abounds in large springs, which having their sources deep in the sandstone, are little liable to be affected by the droughts of summer. The waters of these springs are, for the most part, "hard," in consequence of the contained salts of lime, but they are usually of great transparency and coldness. Several springs were noticed, the waters of which were so highly charged with carbonate of lime, as to have given rise to somewhat extensive beds of tufaceous marl.

No rock, *in place*, was noticed in the southwestern part of Calhoun, but a little south, and just within the line of Branch county, a deposit occurs, which may probably be referred to one portion of the carboniferous group, though this connection has not absolutely been shown to exist.

The deposit consists of a tough, semi-indurated and stratified clay, having at first sight much the appearance of a very fine sandrock. It contains imbedded clay iron stone, composed as usual, of thin concentric layers of the carbonate and hydrate of iron, surrounding nodular masses of septærea.

The iron ore in question is of the same character as that from which much of the iron of our neighboring state, Ohio, is manufactured, and should future examinations show the deposit to contain the ore in sufficient quantity to admit of working, it cannot fail to prove of immense importance to the surrounding country. Occurring as the ore in Branch county does, upon the borders of a township, nearly the whole of which is heavily timbered, very great facilities exist for procuring the materials necessary for its reduction.

The "kidney ore" is usually reduced with great facility, and in the large way, in the furnaces of Ohio, yields from 30 to 37 per cent of cast iron.

Portions of the clay embraced in the deposit under consideration, if care be used to select such only as is free from iron, will prove of great value for the manufacture of stone ware, fire bricks, &c. The presence of lime, it is well known, renders clay unfit for the manufacture of the articles mentioned; for the reason that the clay, by this admixture, is rendered fusible at a comparatively low temperature. The great mass of the clay alluded to, contains only a minute proportion of lime; and being so situated that it may be obtained with facility, it may be very advantageously applied to the purposes mentioned.

The deposit under consideration was first noticed on the Coldwater river, a short distance above the junction of that stream with the St. Joseph, where it appears in the bed of the stream, and also forms the banks, attaining an elevation of from 10 to 12 feet. The outcropping edge was traced for a distance of from one to two miles, and it was also found, but slightly covered with soil, extending over an area of from 800 to 1000 acres. It is not supposed, however, that the complete extent of its near approach to the surface has been examined, for there can be little doubt that the range will be found to be quite extensive.

Allusion has already been made to the numerous springs which occur in Calhoun county; but in no portion of the state has such an abundance of large springs been noticed as in the southwestern parts of Jackson county. Springs were here observed, frequently at very short intervals, discharging almost incredible quantities of water, and in some instances giving rise to streams of considerable size, at once. The waters of the larger of these springs are invariably found to proceed from the sandrock. They are little liable to be affected by drought, and, as I am informed, never freeze. The waters of those springs examined had, during the month of October, a temperature ranging from 47° to 49° Fahrenheit.

The counties of Branch, Hillsdale and Jackson, like that of Calhoun, abound in beds of shell and tufaceous marl, which is usually well fitted for the manufacture of lime, or for use for agricultural purposes. Ligneous peat also frequently occurs, and it may, with proper preparation, be rendered of much value as a manure.

Coal.

We have been enabled, during the past year, considerably to extend the small amount of information before transmitted to you, respecting the coal beds of our state; and although, from the limited extent of the minute examinations in the coal district, I am

still usable to place the subject before you in such a manner as could be wished; its great importance would, nevertheless, seem to call for an allusion, at least, to such additional information as has been obtained.

By reference to the report of C. C. Douglass, Assistant Geologist, hereto appended, on the subject of the minute surveys of Ingham and Eaton counties, it will be seen that the main bed of coal, which traverses the central counties of the state, has been traced northerly to within a few miles of the south line of Shiawassee county; and that the bed has been found of sufficient thickness to admit of being profitably worked.

Much labor will be required in order to determine the northeasterly limit of the coal range; but so many facts respecting the line of its *out-crop*, have been collected, that the labor will be considerably lessened during the continuance of the examinations. The unbroken character of the country, together with the readiness with which the rock embracing the coal, disintegrates, thus covering the out-cropping edges with debris, throw obstacles in the way of a connected series of examinations, which are severely felt; but thus far, we have been enabled to combat these difficulties with greater success than could have been anticipated.

The line of coal has also been traced southwesterly into Jackson county, where the bed is of sufficient thickness to admit of being worked, and the coal is of a quality well fitted for all the purposes to which that substance is usually applied.

Two miles, in a southeasterly direction, from the village of Barry, (Jackson county,) some explorations have been made, and an amount, estimated at about 1500 bushels of coal, raised. This coal has been applied to use in the blacksmiths' shops of the vicinity, and is mostly of good quality, although it is occasionally somewhat injured by the presence of iron pyrites. For the reason that the out-crop of this bed is nearly on a level with the water of Sandstone creek, the persons engaged in the work were unable to sink completely through the coal; it was, however, penetrated at one point, to a depth of about three feet. The immediate banks of the stream rise, by a gentle acclivity, to a height of from ten to fifteen feet, and by renewing the examinations upon that side of the stream opposite to the dip of the strata, they may be conducted free from the difficulties before mentioned. This bed of coal is associated with a series of shales and sandstones, in a manner similar to that of the other beds in the state. The coal is highly bituminous, a character in common with all that has been seen in the state, and it may safely be said that none other need be looked for on the peninsula.

From facts now before me, I am led to hope, that coal will be found in the elevated hills of the northern part of the peninsula, easterly from Little Traverse bay; a circumstance which, should

it prove to be the case, will add much to the value of that portion of the state.

SALT SPRINGS AND STATE SALT LANDS.

The subject of salt springs, which was laid before you, somewhat at length, in the first annual report from this department, has been partially re-examined during the past year, and the observations considerably extended. These renewed examinations have served to add confidence to the hope then expressed, that a portion of these springs will eventually prove of value to the state. Many springs, before unknown, have been observed, and would be more particularly noticed, had not the facts, involving the *main question*, been before submitted.

The progress which had been made in the improvements directed to be commenced "at one or more of the state salt springs," has been duly submitted to you in a separate report. Since the reception of your instructions to continue the improvements, which had previously been partially suspended, the work has been renewed with a vigor commensurate with its importance. Should the examinations in progress lead to favorable results, as we trust they will, this important addition to the products of the state, cannot fail to add to its prosperity; while, should we fail in our anticipations, the income which may be derived from the lands, will create a sinking fund, that may soon be made to reimburse to the state, the amount which may be expended for that purpose.

Of the salt springs granted to our state by the general government, five yet remain to be located; which, with their contiguous lands, will amount to thirty sections. The location of these lands has been thus far delayed, in consequence of the unfinished condition of the United States' surveys, they not having been sufficiently completed to allow those selections to be made which were most desirable. Nor have we, as yet, been enabled to obtain from the general land office "plats" of the sections of country, in which it is proposed to complete those locations. Since, according to the terms of the grant, the returns of these lands are required to be made during the current year, it becomes a matter of no small moment to complete the selections at the earliest day possible; in view of which, so soon as the necessary information can be obtained from the general land office, steps will be taken to complete the locations.

ZOOLOGICAL AND BOTANICAL DEPARTMENTS.

These departments of the geological survey, which, during the year 1837, were united under the direct charge of Dr. Abraham Sager, have, in conformity to the provisions of the revised act, been separated into two distinct departments, that of zoology hav-

ing been left in charge of Dr. Sager, while that of botany was placed under charge of Dr. John Wright.

The success which has attended the labors of the heads of these departments, is of the most flattering kind, and affords ample proof that the high character which those gentlemen have sustained as men of science and industry, has not been misplaced, and that we may anticipate from their labors the most interesting and useful results.

The subjects falling within the scope of these departments, being of a more abstruse character, do not so readily admit of being treated in a disjointed manner, as the other subjects of the geological survey; for which reason the heads of these departments, in most of the states where these surveys are in progress, have not been called upon for annual reports, it being intended to embody the whole at once, in a final and connected report. As our own state is somewhat differently circumstanced, having been less explored, it was deemed advisable to throw together such catalogues as would furnish those persons who have devoted attention to the subjects in our state, a skeleton of the progress that has been made, hoping thereby to elicit such additional information as may be at hand. The reports of the zoologist and botanist, numbered 1 and 2, are hereto appended.

The fact that there is, in reality, but one science in nature, and that all the subdivisions of that science are to a great extent, arbitrary, is frequently lost sight of in our utilitarian age: a circumstance to which, no doubt, may in part be ascribed the general disposition to scan results closely, while the steps necessary to bring about those results are scarcely considered. We are thus too often disposed to consider as of little value or importance, those very subjects, the laborious investigation of which are daily adding to our comfort and enjoyment.

The man who should richly endow an institution would be looked upon as a benefactor; while the man of science who should engage in a patient investigation of the habits of the Hessian fly, and thereby be able to suggest some successful expedient for avoiding the ravages committed upon our wheat fields, would, no doubt, be looked upon as one engaged in a work of no value to his fellow men; yet, if we look at results, the latter would be much more eminently entitled to the name of benefactor.

One of the fathers of natural history, after carefully studying the habits of a small worm that had proved destructive to the timber in the navy yards of his country, suggested a simple yet perfect remedy, thereby saving annually more than a million of dollars to his government; yet, during these investigations, he was stigmatized as one engaged in a work which was wholly un-

worthy his attention, and which could not possibly prove of any practical value.

The subjects of geology may be regarded as so intimately connected with the other departments of natural history, as to be absolutely inseparable. "All the branches of natural history, and most of the other sciences, cluster around geology, and lend to it and each other a mutual support. No man can make great advances in all the branches of geology; the proper course to be pursued, is for each individual to become acquainted with the outlines of the subject, and then devote his attention to some particular branch of inquiry. It is by such a division of labor, that geology has advanced so rapidly within a few years. The geologist must have the results of such labors before he can draw definite conclusions on some points of geology."*

When the work in the departments under consideration shall have been completed, it is proposed to embody in a final report, in a condensed yet intelligible manner, all that has been elicited during the progress of the examinations, as well as what is now embodied in abstract works upon those subjects. While an attempt will be made to render this of value to the man of science, the subjects of practical utility will, nevertheless, be kept constantly in view.

The medical properties and various uses to which the indigenous plants of our state may be applied, are at this time scarcely known, and less appreciated, by our citizens; and while we are looking abroad for many articles necessary to our health and comfort, the very same articles, or those which will answer the purpose equally well, are growing in abundance around us.

COLLECTIONS FOR THE STATE UNIVERSITY.

That portion of the duties assigned the geological board, involving the collection of specimens of natural history for the university, has received as large a share of attention as a faithful performance of the other duties assigned would permit. The present time, no doubt, offers a more favorable opportunity to supply the parent university and its branches with specimens of natural history, than any that will again soon occur. In view of the limited facilities which are afforded for the study of these subjects in the colleges of our country, as also of the character which the addition of such facilities would give to our state institution, the board of regents have manifested a deep anxiety to furnish every facility in their power to aid in making these collections as perfect as possible.

The collections already made in the several departments of mineralogy, geology, zoology and botany, are in such condition

*Governor Marcy's report to the legislature of the state of New York, on the subject of the geological survey of that state.

that they may be readily transferred to the university, at Ann Arbor, whenever the proper arrangements shall have been made by the regents for that purpose.

The board of regents have already furnished ample rooms, in this city, as a temporary place of deposit for the collections now being made.

TOPOGRAPHICAL DEPARTMENT, MAPS, &c.

This department of the geological survey, which was duly organized under the provisions of the act of 1838, has been placed under the immediate charge of S. W. Higgins, Esq., whose report, No. 8, is hereto appended.

The arduous duties connected with this department have been performed with a degree of energy and devotion which deserve the highest encomiums; and we trust it may result in furnishing for our state an amount of accurately delineated geographical and topographical information, which will not be exceeded by any state in our union.

The present time is an exceedingly favorable one for carrying forward this portion of the work; for at this time, while the state engineers are engaged upon our works of internal improvement, and while the United States' surveyors are engaged in subdividing the northern part of the peninsula, we are enabled, with a comparatively small amount of labor and expense, to collect a vast amount of the most accurate geographical and topographical information, which unless recorded at once would soon be lost.

The necessity for the construction of accurate geographical maps, for the delineation of the geology and topography of the state, can be easily understood: and without the former, the projection of the latter would be a dead letter. The inaccuracy of our present maps, together with their reduced scale, is well known; and the necessity for the construction of those of a larger and more perfect character, has been deeply felt by every person whose attention has been called minutely to the subject. In order to avoid the embarrassment which this defective character of geographical information is daily producing, it is very desirable that the remedy should be provided, with as little delay as may be compatible with the magnitude of the work.

Maps of the separate counties of the state have been commenced, upon a scale of two miles to the inch;* a size which will enable us to place upon them most of that information which will be required for the use of town and county officers; such as the length of fractional section lines, variations in the surveys, width of streams at the crossings of the section lines, principal

*This scale is a fraction larger than that adopted by the surveyor general of the state of New York, for the maps of that state, which were constructed under his direction.

roads, &c. &c. Upon these maps, when completed, will also be introduced the complete geology and topography of the country.

In order that the materials upon which to base these maps may always be at hand, the complete original United States' surveys, so far as returns have been made to the land offices of the state, have been copied; and steps have been taken to procure from the general land office those new surveys in progress, immediately upon the transmission of the returns by the deputy surveyors. These "plats," however, only designate the small streams and marshes at the crossings of the section lines, leaving the whole interior of the sections to be filled up. In order to accomplish the immense work of filling up the deficiencies in the township maps, each of the assistants engaged in the survey, is instructed to take into the field perfect copies of the original surveys of the district in which he may be engaged, and to return the same with the streams carried out, across the interior of the sections, together with an accurate delineation of the marshes, small lakes, ranges of hills, the area of different kinds of soils, timbered lands, openings, prairies, the courses of the township roads, &c. &c., as also with the geology, and so much of the topography, as the work may warrant.

The difficulties connected with the construction of accurate maps, of the older counties of the state, are much increased in consequence of the inaccuracy of the original United States' surveys. In fact, so great is the discrepancy, in many instances, as to lead to the inference that some of the subdivisions were made, or platted, without going upon the ground. And where the lines, in many parts of these counties, were "run," the variation between the actual and proposed course is so great, as to render it nearly impossible to make the "work close." Many streams of considerable magnitude, are wholly omitted upon these "plats;" lakes and swamps are placed where none exist; and small lakes, in a few instances, have been found to be upon sections widely separated from those upon which they are represented, facts which are known to have given rise to mistakes of a most serious character. Instances can be cited where lands have been purchased at the land office, by reference to the "plats" on file, and those lands afterwards found to be completely covered by the waters of a lake: others, where, in consequence of erroneous marks at the corners of sections, lands have been "entered" several miles distant from those intended; circumstances which have given rise to much individual distress.

In connection with this subject, I would respectfully call your attention to the importance of dividing the northern portion of the peninsula into counties, and assigning to each a definite limit, with as little delay as the progress of United States' surveys will per-

mit. The most natural divisions may as readily be determined from information which will be elicited during the continuance of the work in progress, as at any future time. By adopting this course before private interest comes to clash upon the subject, much legislation may be avoided; at the same time that it will throw those portions of our state into such a form that they may be more satisfactorily projected upon the maps now in progress. No possible objection, it is conceived, can be urged against this course, while it may fairly be supposed it will result in great good.

REPORTS OF GEOLOGICAL ASSISTANTS.

The reports of Messrs. C. C. Douglass and Bela Hubbard, assistants in the geological department proper, of the survey, numbered 4 and 5, are hereto appended. The great mass of geographical and topographical information which they have been industriously engaged in collecting, could not be laid before you, except in connection with complete maps of the counties in which they have been engaged. The duties which were assigned these assistants, notwithstanding the numerous difficulties by which they have been surrounded, have been accomplished in a manner highly creditable; and we have now on file nearly all the matter requisite for the complete elucidation of the condition and resources, as well as for the construction of maps of the counties, in the survey of which they have been engaged.

The consideration of that portion of the work which relates more particularly to agriculture, it has been deemed advisable, thus far, to defer, for the very good reason that sufficient time has not yet elapsed for the complete analysis of the soils, a labor which must be performed before minute practical conclusions can be drawn. The extent of certain characters of soils, in the counties examined, together with their adaptation to the purposes of agriculture, and the remedies necessary to supply any defects in their composition, are subjects, to the consideration of which much time has already been, and will hereafter be, devoted.

Upon the first opening of spring, it is proposed to renew the minute surveys in the southern counties of the state, and to complete the work, in each of those counties, as rapidly as circumstances will permit.

The difficulties by which we were surrounded in perfecting the survey, under the original act, have been removed by the present plan of organization, and moving on as a whole, the assistance and support given each other, by the separate departments, is such, that a much larger amount of labor is accomplished than, under other circumstances, could possibly be done, while the work is, at the same time, rendered uniform and complete.

In conclusion, I would respectfully tender through you my

grateful acknowledgments as well for the uniform kindness with which I have been received, as for the valuable information and assistance which has been rendered to the work in progress, by the citizens of our state.

DOUGLASS HOUGHTON.

State Geologist.

DOCUMENTS.

(No. 1.)

Report of Doct. Abm. Sager, Zoologist of Geological Survey.

Detroit, January 12, 1839.

To DOUGLASS HOUGHTON, State Geologist.

SIR—In conformity to the provisions of an act approved March 22, 1838, providing for a geological survey of the state, the undersigned respectfully submits the following report of the progress made in the zoological department.

Previous to submitting the result of the investigation in this department during the past year, permit me, for the satisfaction of those whose liberality and zeal for the interest of our state authorized the survey, to present a condensed view of the objects and anticipated results of the investigation in this department.

To investigate as far as practicable the mode of existence, the relative position, office and influence in the sentient organic world of every animal native to our state, from the insect of ephemeral existence, the worm that wends its way darkling through a brief and simple life, to the quadruped of most varied and complicated structure and functions, more especially their relation to and influence, either direct and obvious, or indirect, upon the interest and happiness of man: operating by the development of our intellectual and moral natures, and ministering to our physical necessities,—to ascertain if possible the means of rendering them directly subservient to our interests and avert the evils arising from an excessive development of the species,—to collect, preserve and systematically arrange, in order to display affinities of structure, specimens of every species, and materials illustrative of their habits and instincts, the whole with a view to excite and disseminate a taste for the interesting and important study of zoology:—These appear to have been the objects contemplated by the legislature that framed and enacted the bill authorizing the investigation.

It must be obvious to every reflecting mind, that no well directed or availing efforts can be made, either to improve the advantages or avert the evils growing out of our connection with

the animal world, without an intimate acquaintance with their structure, capabilities and habits. Destitute of this knowledge, we but strike in the dark, and are more likely to impair than promote our interests.

It will be seen at a glance that the subject is of vast extent ; and surely if the study of the phenomena of the inorganic world, with a view to determine its general laws, of which to avail ourselves to advance our interest, is worthy of encouragement as of last importance, not less so are those manifold and varied manifestations of the Infinite that constitute the phenomena of the organic world, and the proper study of the Botanist and Zoologist. Nor should we anticipate less important results when those studies have been prosecuted to the educing those general principles that rule the organic creation, than we already derive from an acquaintance with those by which the inorganic world is directed and governed. As intellectual pursuits, in moral interest and sublimity, they do not concede the palm of superiority to any other subjects whatever. Surely the mind that can view from the pinnacle of the temple of science, at a glance, the whole organic world outspread beneath him, can comprehend its vast and intricate machinery, and behold it moving by a few simple, uniform and unvarying principles, is favored with a prospect not less sublime than that to whose intellectual vision the whole inorganic world is revealed.

As early in the season as the necessary arrangements and preparations would permit, we commenced our labor, the results of which will, in part, be found in the subjoined catalogue. Of many of the species contained in the catalogue, the requisite number of species have been preserved ; of some other species, a much larger number than was required have been collected, with a view to foreign exchanges, and in consequence of the rarity of others, not a sufficient number have been secured. Besides the species enumerated in the catalogue, a very considerable number belonging to the inferior classes have been obtained, but do not yet admit of arrangement in a catalogue. Although a considerable amount of materials have been collected towards forming a history of the subjects of our investigation, yet much remains to be accomplished before the subject can be said to approach completeness.

ABM. SAGER, *State Zoologist.*

CATALOGUE.

CLASS MAMMALIA.

Order Quadrumana

Fam. Vespertilionidae. Gray. Bats

Sub-fam. Vespertilioninae. Gray.

Vespertilio arcuatus. Say.

Order Ferae. Linn.

Fam. Felidae

Lupus occidentalis. Rich. Wolf

Vulpes fulvus. L. Red fox

Fam. Mustelidae. Sw.

Sub-fam. Ursinae. Sw.

Procyon lotor. L. Raccoon

Sub-fam. Mustelinae. Sw.

Putorius lutreola. Cuv. Mink

Fam. Soricidae. S.

Sorex parvus. Say. Shrew

Scalops canadensis. Cuv. Canada mole

Condylura macroura. Harl. Star nosed mole

Order Glires. Linn.

Div. 1st. Claviculata

Fiber zibeticus. L. Musk rat

Arvicola ———

Meriones canadensis. Ill. Jumping mouse

Spermophilus Hoodii. F. Cuv.

Sciurus vulpinus? Gm. Fox squirrel

carolinensis. L. Gray squirrel

Sciurus hudsonius. L. Chickaree

niger. L. Black squirrel

Tamia striata. Kl. Ground squirrel

Div. Inclaviculata

Lepus americanus. Gm. American hare

CLASS AVES.

Order Raptores

Fam. Falconidae

Sub-fam. Aquilinae. Eagles

Pandion americanus. Sw. Fish eagle

Aquila leucocephalus. Bald eagle

Sub-fam. Buteoninae. Buzzards

Buteo Sancti Johannis. Gm. Black hawk

lagopus.? Roughed legged hawk

lineatus, Aud. Red breasted hawk

- Circus cyaneus*. L. Marsh hawk
 Sub-fam. Falconinae. Falcons
 Falco peregrinus. Gm. Wandering falcon
 sparverius. L. Amer. sparrow hawk
 columbarius. L. Pigeon hawk
 Sub-fam. Accipitrinae. Hawks
 Accipiter pennsylvanicus. Sw.
 Cooperi. Nutt. Cooper's hawk
 Astur borealis. Sw. Red tailed hawk
 Fam. Strigidae Owls
 Scotophilus acadica. Sw. Little owl
 Otus brachyotus. Sw. Short eared owl
 vulgaris. Sw. Long eared owl
 Asio virginiana. Sw. Great horned owl
 Ulula nebulosa. Cuv. Barred owl
 Nyctea candida. Sw. Snowy owl
 Surnia funerea. Dum. Hawk owl
 Order Insectores—Perchers
 Tribe Dentiostres
 Fam. Ianiadae
 Sub-fam. Lanianae
 Lanius septentrionalis. Gm. Shrike
 Sub-fam. Tyranninae
 Tyrannus intrepidus. Sw. Great crested king bird
 crinita. Sw. King bird
 inornata. Nutt
 Tyrannula fusca. Sw. Phebe
 virens. Sw. Wood pewee
 acadica. Sw. Little pewee
 Traillii. Sw. Traill's pewee
 Fam. Merulidae
 Sub-fam. Merulinae
 Orpheus polyglottis. Sw. Mocking bird
 rufus. Brown thrush
 felivox. Sw. Cat bird
 migratorius. Sw. American robin
 mustelinus. Sw. Wood thrush
 aurocapillus. Golden crowned thrush
 aquaticus. Water thrush
 Fam. Sylviadae
 Sub-fam. Saxicolinae
 Sialia Wilsonii. Sw. Blue bird
 Sub-fam. Sylvianae
 Culicivora coerulea. Sw.
 Sub-fam. Parianae
 Setophaga ruticilla. Sw. Amer. redstart
 canadensis. Sw. Canada flycatcher

- Setophaga cucullata*. Sw. Hooded flycatcher
Dumecola (?) *Wilsonii*. Sw. Wilson's flycatcher
Sylvicola americana. Sw. Blue yellowbacked flycatcher
 discolor. Sw. Prairie warbler
 coronata. Sw. Yellow crowned warbler
 castanea. Sw. Baybreasted warbler
 icterocephala. Sw. Chesnutsided warbler
 Blackburnae. Sw. Blackburnian warbler
 virens. Sw. Summer yellowbird
 Canadensis. Blackthroated blue warbler
Vermivora pinus. Sw. Pine warbler
 chrysoptera. Sw. Goldenwinged warbler
 rubricapilla. Sw. Nashville warbler
Mniotilta varia. Veill. Black and white creeper
Parus palustris. L. Black cap tit
Trichas personatus. Sw. Maryland yellow throat
Fam. *Ampelidae*
 Sub-fam. *Vireoninae*
 Vireo olivaceus. Wils. Redeyed greenlet
 Vireo flavifrons. Veill. Yellowthroated greenlet
 noveboracensis. Bon. White eyed greenlet
 Sub-fam. *Bombycillinae*
 Bombycilla carolinensis. Briss. Cedar bird
 Sub-fam. *Garrulinae*
 Cyanurus cristatus. Sw. Bluejay
Fam. *Sturnidae*
 Sub-fam. *Scaphidurinae*
 Quiscalis versicolor. Veill. Crow blackbird
 Scolecophagus ferrugineus. Sw. Rustle grackle
 Sub-fam. *Icterinae*
 Icterus Baltimore. Daud. Golden oriole
 spurius. Bon. Orchard oriole
 Sub-fam. *Aglainae*
 Dolichonyx orizivora. Sw. Rice hunting
 Agelaius phoeniceus. Bill. Swamp blackbird
 Molothrus pecoris. Sw. Cowpen
 Sturnella collaris. Bill. Meadow lark
Fam. *Fringillidae*
 Sub-fam. *Coccothraustinae*
 Coccybator ludovicianus. Sw. Redbreasted grosbeak
 Carduelis americana. Sw. Yellow bird
 Sub-fam. *Tanagrinae*
 Phoenisoma rubra. Sw. Summer red bird
 Pipilo erythrophthalmus. Veill. Towhee bunting
 Sub-fam. *Fringillinae*
 Fringilla graminea. Wils. Ground sparrow
 juncorum. Lath. Field sparrow

- Zonotrichia savannarum*. Sw. Savanna finch
leucophrys. Sw. White crowned sparrow
pennsylvanica. Sw. Whitethroated sparrow
melodia. Sw. Song sparrow
Ammodramus palustris. Sw. Swamp sparrow
Chondestes strigata. Sw. Lark finch
Emberiza canadensis. Sw. Tree sparrow
americana. Wils. Black throated bunting
cyanea. Sw. Indigo bird
Plectrophanes nivalis. Selb.
 Sub-fam. *Alaudinae*
Alauda cornuta. Wils. Lark
 Sub-fam. *Motacillinae*
Anthus aquaticus. Bech.
 Tribe 3d—*Scansores*
 Fam. *Picidae*
Picus villosus. L. Hairy woodpecker
pubescens. L. Downy woodpecker
Dendrocopus varius. Sw. Yellow bellied woodpecker
Dryotomus pileatus. Sw. Log cock
Colaptes auratus. Sw. Flicker
Melanerpes erythrocephalus. Sw. Redheaded wood-
 pecker
Centurus carolinus. Sw. Carolina woodpecker
 Fam. *Certhiidae*
 Sub-fam. *Certhianae*
Certhia familiaris. L. Creeper
 Sub-fam. *Sittinae*
Sitta carolinensis. L. White bellied nuthatch
 Sub-fam. *Trogloditinae*
Thryothorus palustris. Veill. Marsh wren
Troglodytes europeus. Winter wren
 Fam. *Cuculidae*
 Sub-fam. *Cuculinae*
Erythrophrys domenicus. Sw. Blackbilled cuckoo
Coccyzus americanus. Sw. Yellowbilled cuckoo
 Tribe 4th—*Tenuirostres*
 Fam. *Trochilidae*
Trochilus colubris. L. Humming bird
 Fam. *Halcyonidae*
Ispida alcyon. Sw.
 Fam. *Caprimulgidae*
Caprimulgus vociferous. L. Whippoorwill
Chordeiles americana. Sw. Night jar
 Fam. *Hirundinae*
Cypselus pelagius. Temm. Chimney swallow
Hirundo purpureus. L. Purple martin

Fam. *Hirundo rufa*. Gm. Barn swallow

Hirundinae

Hirundo bicolor. Veill.

Order Rases

Fam. Tetraonidae

Bonasia umbellus. Bon. Ruffed grouse

Tetrao cupido. L. Prairie hen

canadensis. L. Canada grouse

Ortyx virginiana. Steph. American quail

Fam. Columbidae

Ectopistes carolinensis. Sw. Turtle dove

migratorius. Sw. Passenger pigeon

Order Grallatores. Waders

Fam. Ardeidae

Ardea herodias. L. Blue heron

Egretta americana. Sw. Egret heron

Butor americana. Sw. American bittern

exilis. Sw. Least bittern

Fam. Rallidae

Fulica chloropus. Gm. Common gallinule

atra. Wils. Common coot

Rallus virginianus. L. Virginian rail

noveboracensis. Bon.

Fam. Scolopacidae

Scolopax minor. Gm. Woodcock

griseus. Gm. Red breasted snipe

Wilsonii. Bm. Wilson's snipe

Limosa fedoa. Veill. Marbled godwit

Tringa pectoralis. Bon. Pectoral sand-piper

minuta. Leisl. Small sand-piper.

Wilsonii. Nutt. Wilson's sand-piper

cinerea. Knot

Totanus melanoleucus. Veill. Tell-tale

flavipes. Veill. Lesser yellow shanks

Bartramius. Temm. Bartram's tatter

macularius. Temm. Spotted sand-piper

chloropygius. Veill. Green rump sand piper

Streptilas interpres. Ill. Turnstone

Charadriidae

Charadrius vociferus. L. Kildeer plover

pluvialis. L. Golden plover

Squatarola melanogaster. Bech.

Order Natatores

Fam. Anatidae

Sub-fam. Anserinae

Cygnus musicus. Bech. Swan

Anser Canadensis. Veill. Canada goose

- Anser hyperboreus*. Pall. Snow goose
 Sub-fam. Anatinae. River ducks
Mareca americana. Leach. American widgeon
Dendronessa sponsa. Sw. Tree duck
Chauliodus strepera. Sw. Gadwall
Anas clypeata. Sw. Shoveller
Boschas domestica. Sw. Mallard
 cracca. Sw. Greenwinged teal
 discors. Sw. Bluewinged teal
 obscura. Sw. Dusky duck
Dafila caudacuta. Leach. Pintail duck
 Sub-fam Fuligulinae
Fuligula ferina. Steph. Pochard
 valisneri. Steph. Canvassback
 marilla. Steph. Scaup duck
 rufitorques. Bon. Ringneck
Clangulla albeola. Rich. Buffhead
Haralda glacialis. Sw. Longtailed duck
 Sub-fam. Merganidae
 Mergus merganser. L. Gooseander
 serrator. L.
 cucullatus. L. Crested merganser
 Fam. Colymbidae
 Podiceps rubricollis. Lath. Rednecked grebe
 cornutus. Lath. Horned grebe
 Dasyptilus carolinensis. Sw. Pied dobobick
 Fam. Alcadae
 Sub-fam. Laridae
 Sterna Hirundo. L. Swallowtailed tern
 Sub-fam. Larus Bonapartii. Sw. Bonaparte's gull
 zonorhynchus. Rich.
 glaucus. Brunn.
 atricilla. Sw.

CLASS REPTILIA.

Order Chelonia

- Cistudo clausa*. Say. Box tortoise
Emys picta. Schw.

geographica. Say.
 guttata. Schw.
 pennsylvanica. Harl.

Chelydra serpentina. Schw. Snapping turtle

Order Ophidia

- Coluber obsoletus*. Say.
 constrictor. L. Black snake
 sipedon. L. Brown water snake
 saurita. L. Ribbon snake

- Coluber sirtalis*. L. Garter snake
proximus. (?) Say.
punctatus. L.
septemvittatus. Say.
heterodon. Daud. Hognosed snake
eximius. DeKay. Chicken snake
vernalis. DeKay. Green snake.
Crotalus tergestinus. Say. Rattle snake

CLASS AMPHIBIA.

Order Batrachia

- Bufo musicus*. Cuv. Toad
Hyla versicolor. LeConte. Tree toad
Rana clamitans. Daud.
halecina. Daud. Shad frog.
palustris. LeConte. Tiger frog
sylvatica. LeConte. Wood frog
gryllus. LeConte. Savannah cricket
Salamandra symmetrica. Harl.
Salamandra cinerea. (?) Gr.
 undetermined
Menobranchis lateralis. Harl.

CLASS PISCES.

Order Acanthopterygii

- Fam. Percoides
Perca flavescens? Cuv. and Val. Perch
Labrax—undetermined
Lucioperca Americana. Cuv. Pickerel.
Pomotis auritus? Cuv.
Centrarchus aeneus. Cuv.

Order Malacopterygii Abdominales

- Fam. Cyprinidae
Labeo Cyprinus. Cuv.
Catostomus macrolepidotus. Les. Sucker
nigricans. Les.
 3 species undetermined
 Fam. Esocae
Esox reticulatus. Les. Pike
estor. Les. Muskegon
 Fam. Siluridae
Pimelodus catus. Lac. Catfish
 Fam. Salmonidae
Salmo amethystes. Mitch. Trout
Corregonus albus. Les. Whitefish
 Artdi. Les.
 Fam. Clupeae
Hyodon tergistus. Les. Herring

- Fam. *Lepisosteus*. Lac.
 Order *Malacopterygii* *Subbrachinata*..
 Fam. *Gadoides*
 Lota maculata. Cuv. Dogfish
 Order *Chondropterygii*
 Fam. *Sturiones*
 Sturio maculosus? Cuv. Sturgeon
 Fam. *Cyclostomes*
 Petromyzon nigricans? Les. Lamprey

DIV. MOLUSCA.

CLASS CHONCHIFERA.

Sect. *Lamellipoda*

- cyclas similis*. Say.
 dubiosa. Say.
 Naiadae. Fresh water bivalves
Unio plicatus. Say.
 alatus. Say.
 purpureus. Say.
 fasciolaris. Raf.
 undulatus. Barnes.
 multiradiatus. Lea.
 circulus. Lea.
 penitus. Con.
 lapillus. Say.
 compressus. Lea.
 triangularis. Barnes.
 cariosus. Say.
 fragilis. Raf.
 subrotundus. Lea.
 coelatus, Con.
 iris. Lea.
 hildrethianus. Lea.
 siliquodideus. Barnes.
 nasutus. Say.
 rectus. Lam.
 dilatatus. Raf.
 tuberculatus. Raf.
 bullatus. Raf.
 olivarius. Raf.
 rubiginosus. Lea.
 gibbosus. Raf.
 ventricosus. Bar.
Anodonta Ferrussaciana. Lea.
 cataracta. Say.
Alasmodonta marginata. Say.
 undulata. Say.

Alasmodonta edentula. Say.

CLASS **MOLUSCA.**

Order **Gasteropoda**

Phyllidiana

Patella

Order **Trachelipoda**

Colimacea

Helix solitaria. Say.

albolabris. Say.

zaleta. Say.

multilineata. Say.

clausa. Say.

materna. Say.

fallax. Say.

hirsuta. Say.

perspectiva. Say.

palliata. Say.

inflecta. Say.

thyroidus. Say.

fraterna. Say.

ligera. Say.

fuliginosa. Say.

concava. Say.

profunda. Say.

alternata. Say.

tridentata. Say.

inornata. Say.

elevata. Say.

arboreus. Say.

Pupa ovata. Say.

Succinea ovalis. Say.

campestris. Say.

Lymneana

Planorbis trivolvus. Say.

exacrus. Say.

campanulatus. Say.

bicarinatus. Say.

Physa heterostropha. Say.

elongata. Say.

Lymneus columellus. Say.

elodes. Say.

desidiosus. Say.

stagnalis.

Melaniana

Melania virginica. Say.

depygis. Say.

Peristomiana**Valvata tricarinata. Say.****sincera. Say.****Paludina decisa. Say.****ponderosa. Say.**

(No. 2.)

Report of Doct. John Wright, Botanist of the Geological survey.

Detroit, January 1st, 1839.

To DOUGLASS HOUGHTON, State Geologist.

SIR—In compliance with the act passed by the state legislature, March, 1838, providing for a geological survey of the state, the undersigned respectfully submits the following report :

The examinations in the botanical department of the survey, during the past season, have been made in the two most southern ranges of counties of the state, from the Detroit river to Lake Michigan, excepting the county of Monroe, and in St. Clair county.

The extensive requisitions of the bill, making it obligatory on those engaged in investigating the natural history of the state, to collect and preserve, as far as practicable, seventeen specimens of each kind of its products, has been the principal inducement for confining the sphere of action to the above mentioned portions of the state. The bulky apparatus necessary to be conveyed from place to place, during the excursions, for the preservation of the plants in such extensive collections, and the requisite conveniences for drying and protecting them, render it impracticable to examine a very great extent of country, and particularly such portions of it as are unsettled, during a single season, or until the principal mass is collected.

The plan adopted during the past season, was to make the collections in the more inhabited portions, or in such situations of the country as are the most favorable for the preservation of the plants, and get together, as far as possible, the required number of those species which are found in them.

The parts which we have examined, undoubtedly contain the majority of the whole number of species which grow in the state ; and as they are sufficiently settled to possess the requisite facilities for acquiring such extensive collections, we have been enabled to accumulate a large number of specimens, which could not have been collected under any other circumstances ; and, at the same time, to include in them the majority of the individual plants of the state ; thereby preventing the embarrassing neces-

sity of securing this extensive mass while investigating larger and less inhabited tracts, where these facilities are not offered.

With the able assistance of Mr. George H. Bull, assistant botanist, I have been enabled to examine between eight and nine hundred native or naturalized species of phenogamous or flowering plants; and to collect specimens of each, illustrative of their character, amounting, in all, to about nine thousand, which are now in an excellent state of preservation. More than this number of species were observed growing in the counties examined, but they were not in a proper condition for the selection of specimens for preservation at the time of observation.

A considerable number of cryptogamous or flowerless plants were also noticed and secured.

It has been our object, while making these collections, to select those specimens which will exhibit all the characters of the individuals; and for this purpose, all parts of the plant have been taken, as far as time and opportunity would admit of.

The herbaceous plants, when not too large, have been kept entire, including their roots, stems, leaves, and flowers; and when too large, suitable portions of each have been taken to illustrate them: of the wood ones, small branches with their leaves, and when practicable, flowers and fruit, have been selected for the purpose: and it is intended to make the suit more perfect by procuring sections of their trunks, which want of time prevented us from doing, during the botanizing season. The size of the paper sheet used for holding them is 12 by 17 inches; thus allowing of the preservation of ample sized ones, which have accordingly been chosen. It has also been considered necessary to a complete herbarium, that the ripe seeds should be added, and those of a considerable number of species have been obtained for this object.

Observations relating to the individual plants have been made, with reference to their economical and medicinal uses; and to their correct analysis and individual characters. It is not my intention, in this report, to give a detailed account of such observations; for this would obviously be improper, as the investigations are not finished, and, in consequence, not sufficiently complete to allow of their being made at the present time; or, if made, would cause unnecessary repetition in the final report.

For these reasons, I have thought it advisable to confine the notice of the plants, at present, to a catalogue of their names, reserving a detailed account of them for a final report; and endeavor, in the mean time, to collect such facts in regard to them, as opportunity shall offer, as will be of use both in a practical and scientific point of view.

It is my intention to examine, hereafter, those portions of the

state which have not been explored, and render the collections as complete as possible.

The accompanying catalogue embraces the phenogamous and filicoid plants which have been collected.

JOHN WRIGHT, *Botanist.*

CATALOGUE.

A.

- Acalypha virginica*, Linn.* Three-seed mercury
Acer oricarpum, Mx. Silver maple
 nigrum, Mx. Black maple
 saccharinum, Linn. Hard maple. Sugar maple
Achillea millefolium, Linn. Yarrow. Milfoil
Acnida cannabina, Linn. Water hemp. Indian hemp
Acorus calamus, Linn. Sweet flag
Actaea alba, Bw. White cohosh
 racemosa, Linn. Cohosh. Black snake root
 rubra, Bw. Baneberry
Actinomeris squarrosa, Nutt
Adiantum pedatum, Linn. Maiden hair
Aesculus glabra, Ww. Small buck eye
Agrimonia Eupatoria, Linn. Agrimony
Agropyron caninum, R. and S.
Agrostemma Githago, Linn. Cockle
Agrostis alba, Linn. White top
 clandestina? Sprengel
 lateriflora, Mx.
 tenuiflora, Ww.
 vulgaris, Smith. Red top
Aira cespitosa, Linn.
Aletris farinosa, Linn. False aloe
Alisma Plantago, Linn. Water plantain
Allium canadense, Linn. Meadow garlic
 cernuum, Roth.
 triccoccum, Aiton. Three seed leek
Alnus serrulata, Ww. Alder
Alopecurus geniculatus, Linn. Fox tail
Amarunthus hybridus, Linn
Ambrosia elatior, Linn. Hog weed
 trifida, Linn.
Amelanchier Botryapium, Lind. Shad bush. June berry
Amelanchier ovalis, Lind. Medlar bush
 sanguinea, D. C.

*For abbreviations of authors' names, see the end of the catalogue.

- Amorpha canescens*, Nutt. Lead plant
Amphicarpa monoica, Elliot.
Andromeda calyculata, Linn. Leather leaf
 polifolia, Linn. Wild rosemary
Anemone aconitifolia, Mx.
 nemorosa, Linn. Wood anemone
 virginiana, Linn. Wind flower
Andropogon furcatus, Muhl. Fork spike
Andropogon nutans, Linn. Beard grass
 scoparius, Mx. Broom grass
 virginicus, Linn.
Angelica atropurpurea, Linn. High angelica
 triquinata, Mx.
Anethum foeniculum, Fennel
Anthemis cotula, Linn. May weed
Apios tuberosa, Moenchausen. Ground nut
Apocynum androsaemifolium, Linn. Dog bane
 hypericifolium, Aiton. Indian hemp
Arabis canadensis, Linn. Sickie pod
 laevigata, D. C.
 lyrata, Linn.
 sagittata, Torrey.
Aralia nudicaulis, Linn. Wild sarsaparilla
 racemosa, Linn. Spikenard
Arbutus Uva-ursi, Linn. Bearberry
Archemora ambigua, D. C.
Arctium lappa, Linn. Burdock
Arethusa bulbosa, Linn. Arethusa
Arenaria stricta, Mx.
 lateriflora, Linn.
Aristida stricta, Mx.
Arum triphylum, Linn. Wild turnip. Wake robin
Artemisia canadensis, Mx. Wild worm wood
Arundo canadensis, Mx. Reed grass
 coarctata, Torrey
Asarum canadense, Linn. Wild ginger
Asclepias incarnata, Linn.
Asclepias lanceolata, Ives.
 phytolaccoides, Lyon.
 purpurascens, Linn.
 syriaca, Linn. Milk weed
 tuberosa, Linn. Pleurisy root. White root
 verticillata, Linn.
Aspidium acrostichoides, Ww.
 asplenoides, Linn.
 bulbiferum, Ww.
 filix-femina, Ww.

- Aspidium intermedium*, Muhl.
 noveboracensis, Ww.
 thelypteris, Ww.
Asplenium angustifolium, Mx.
 thelypteroides, Mx. Silvery spleenwort
Aster acuminatus (?) Mx.
 corymbosus, Aiton.
 diversifolius, Mx. (?)
 laxus, Ww.
 paniculatus, Aiton.
 salicifolius, (?) Pursh.
 sericeus, Nutt.
 tradescanti, Ww.
Astragalus canadensis, Linn. Milk vetch
Atheropogon apludoides, Muhl. Beard grass

B.

- Baptisia alba*, Ww.
 tinctoria, Brown. Wild indigo
Batschia canescens, Mx. Puccoon. False bugloss
Betula excelsa, Aiton. Yellow birch
 glandulosa, Mx. Scrub birch
 papyracea, Ww. Paper birch. Canoe birch
Bidens Beckii, Torrey. Water marygold
Bidens cerneua, Linn.
 frondosa, Linn. Burr marygold. Cuckold
 petiolata, Nutt.
Blephilia ciliata, Rafinesque.
 hirsuta, Rafinesque.
Blitum virgatum, Linn. Slender blite
Botrychium fumaroides, Ww. Grape fern
 virginicum, Swartz. Rattlesnake fern
Brachyelytrum aristatum, P. de B. False drop grass
Bromus ciliatus, Linn.
 pubescens, Linn.
 purgans, Linn.
 secalinus, Linn. Chess
Buchenera americana, Linn. Blue hearts

C.

- Cacalia atriplicifolia*, Linn.
 tuberosa, Nutt.
Cakile americana, Nutt. Sea rocket
Calla palustris, Linn. Water arum
Calopogon pulchellus, Brown. Grass pink
Caltha palustris, Linn. American cowslip
Campanula americana, Linn.
 Erinoides, Muhl. Prickly bell flower

- Campanula rotundifolia*, Linn. Flax bell flower
Cannabis sativa, Linn. Hemp
Capsella bursa-pastoris, Moench. Shepherd's purse
Cardamine hirsuta, Linn.
 pratensis, Linn.
 rhomboidea, D. C.
Carex acuta, Linn.
 alba v. *setifolia*, Dewey.
 ampullacea, Gmelin.
 anceps, Schkuhr.
 aquatilis, Wahlenberg.
 aurea, Nutt.
 bromoides, Schkuhr.
 bullata, Schkuhr.
 cephalophora, Ww.
 cespitosa, Linn.
 collecta ? Dewey.
 conoidea, Schkuhr.
 crinita, La Marck.
 cristata, Schwinitz.
 curta, Gmelin.
 Deweyana, Schwinitz.
 disperma, Dewey.
 festucacea, Schkuhr.
 filiformis, Gmelin.
 flava, Linn.
 folliculata, Linn.
 formosa, Dewey.
 gracillima, Schwinitz.
 granularis, Muhl.
 hystericina, Ww.
 lagopodioides, Schkuhr.
 lacustris, Ww.
 laxiflora, La Marck.
 limosa, Linn.
 lupulina, Muhl.
 marginata, Muhl.
 miliacea, Muhl.
 nigro-marginata ? Schwinitz.
 Oederi, Ehrhart.
 paniculata, Linn.
 polytrichoides, Muhl.
 pseudo-cyperus, Linn.
 pubescens, Muhl.
 retrorsa, Schwinitz.
 scabrata, Schwinitz.
 setacea, Dewey.

Carex squarrosa, Linn.
stellulata, Schreber.
stipata, Muhl.
straminea, Ww.
sylvatica.
tenera? Dewey.
tentaculata, Muhl.
teretiuscula, Gmelin.
trichocarpa, Muhl.
trisperma, Muhl.
varia?
virescens, Muhl.
xanthophylla, Wahlenburg.

All of the marsh hay made in the state is composed of more or less of the species of the preceding genus.

Carpinus americana, Mx. Horn-beam

Carya amara, Nutt. Bitter-nut
porcina, Nutt. Pig-nut

Cassia marylandica, Linn. American senna

Ceanothus americanus, Linn. New Jersey tea

Celastrus scandens, Linn. Climbing staff-tree

Celtis crassifolia, LaMarck. Hoop ash

Cenchrus echinatus v. *tribuloides*, Torrey. Burr-grass

Centaurella paniculata, Mx. Screw-stem

Cephalanthus occidentalis, Linn. Button-bush

Cerastium vulgatum, Linn. Chick-weed

Chelone glabra, Linn. Snake-head

Chenopodium album, Linn. Pig-weed

ambrosioides, Linn. Sweet pig-weed

Botrys, Linn. Oak of Jerusalem

hybridum, Linn.

rubrum, Linn.

Chrysosplenium americanum, Swartz.

Cicuta bulbifera, Linn.

maculata, Linn. Water hemlock

Cinna arundinacea, Ww.

Circaea alpina, Linn.

Leutetiana, Persoon. Enchanter's nightshade

Claytonia virginica, Linn. Spring beauty

Clematis virginica, Linn. Virgin's bower

Clintonia borealis, Rafinesque. Wild lily of the valley

Cnicus discolor, Ww. Thistle

glutinosus, Bw.

lanceolatus, Ww.

odoratus, Muhl.

Pitcheri, Torrey.

Collinsia verna, Nutt.

- Collinsonia canadensis*, Linn. Horse balm
Commelina angustifolia, Mx.
Comptonia asplenifolia, Aiton. Sweet-fern
Convallaria multiflora, Ww. Giant Solomon's seal
Convolvulus Sepium, Linn. Wild morning glory
 spithameus, Linn. Dwarf morning glory
Coptis trifolia, Salisbury. Gold thread
Corollorhiza multiflora, Nutt.
 verna, Nutt. Coral-root
Coreopsis palmata, Nutt.
 trichosperma, Mx.
 tripteris, Ww. Tick-seed sunflower
Coriandrum sativum, Linn. Coriander
Cornus canadensis, Linn.
Cornus circinata, Schwinitz.
 florida, Linn. Dogwood
 paniculata, L'Heritier.
 sericea, L'Heritier.
Corylus americana, Walter. Hazle-nut
Crataegus coccinea, Linn. Thorn-bush
 punctata, Jacquin. Thorn-tree
Cryptotaenia canadensis, D. C.
Cuscuta americana, Linn. Dodder
Cynoglossum amplexicaule, Mx. Wild comfrey
 officinale, Linn. Hound-tongue
Cyperus alterniflorus, Schwinitz.
 flavescens, Linn.
 mariscoides, Elliott.
 phymatodes? Muhl.
 strigosus, Linn.
Cypripedium acaule, Aiton, Ladies' slipper
 pubescens, Swartz. Mocassin-flower
 spectabile, Swartz.

D.

- Dalibarda fragaroides*, Mx. Dry strawberry
Danthonia spicata, P. de B. Wild oats
Datura Tatula, Linn. Purple thorn-apple
Decodon verticillatum, Elliott. Swamp willow-herb
Dentaria diphylla, Mx. Tooth-root. Pepper-root
 laciniata, Muhl.
Desmodium acuminatum, D. C.
 bracteosum, D. C.
 canadense, D. C. Bush trefoil
 canescens, D. C?
 ciliare, D. C.
 laevigatum, D. C.

- Desmodium marylandicum*, D. C.
nudiflorum, D. C.
obtusum, D. C.
paniculatum, D. C.
rotundifolium, D. C.
strictum, D. C.
Diarrhena americana, P. de B.
Diervilla canadensis, Ww. Bush honeysuckle
Digitaria filiformis, Elliott.
sanguinalis, Scopoli. Finger-grass
Dioscorea villosa, Linn. Yam-root
Dracocephalum virginianum, Ww. Dragon-head
Drosera longifolia, Linn.
rotundifolia, Linn. Sundew
Dulichium spathaceum, Persoon. Galingale

E.

- Eleusine indica*, LaMarck.
Elymuscanadensis, v. *glaucifolius*, Torrey.
Hystrix, Linn. Hedgehog-grass
villosus, Muhl. Lime-grass
virginicus, Linn. Wild rye
Epigaea repens, Linn. Trailing arbutus
Epilobium coloratum, Muhl.
lineare, Muhl.
molle, Torrey.
Epiphegus virginianus, Barton. Beech-drops
Erigeron bellidifolus, Ww.
canadense, Linn. Flea-bane
heterophyllus, Muhl.
philadelphicus, Linn.
strigosus, Muhl.
Eriocaulon pellucidum, Mx.
Eriophorum angustifolium? Bw.
polystachyon, Linn. Cotton grass
Eryngium aquaticum, Linn. Button snake root
Erythronium americanum, Smith. Dog tooth violet
Euchroma coccinea, Nutt. Painted cup
Euonymus americanus, Linn.
obovatus, Nutt.
Eupatorium ageratoides, Linn.
amoenum, Pursh.
perfoliatum, Linn. Boneset. Thorough wort
sessilifolium, Linn.
Euphorbia corolata, Linn.
maculata, Linn.
polygonifolia, Linn.

Equisetum arvense, Linn. Horse tail
hyemale Linn. Scouring rush
limosum, Torrey.

F.

Fagus sylvatica, Linn. Beech
Festuca duriuscula? Linn.
 nutans, Ww.
 tenella, Ww.
Fragaria virginiana, Linn. Strawberry
Frasera caroliniensis, Walter. Columbo
Fraxinus acuminata, La Marck. White ash
 pubescens, Walter. Red ash
 sambucifolia, Ww. Black ash
Fuirena squarrosa, Mx.

G.

Galeopsis Tetrahit, Linn. Flowering nettle
Galium asprellum? Mx.
 boreale, Pursh.
 circaezans, Mx.
 lanceolatum, Torrey.
 obtusum? Bw.
 pilosum, Aiton.
 tinctorium, Linn. Wild madder
 trifidum, Linn.
Gaultheria hispidula, Muhl.
 procumbens, Linn. Wintergreen
Gaura biennis, Linn. Virginian loosestrife
Gentiana crinita, Froelich. Fringed gentian
 quinqueflora, Ww.
 saponaria, Linn. Soap gentian
Geranium maculatum, Linn. Crane's bill
 robertianum, Linn.
Gerardia auriculata, Mx.
 flava, Linn. False foxglove
 glauca, Eddy.
 pedicularia, Linn.
 purpurea, Linn.
Geum rivale, Linn. Purple avens
 strictum, Aiton. Upright avens
 virginianum, Linn. Avens
Gleditschia triacanthos, Linn. Honey locust
Glyceria fluitans, Brown. Water fescue grass
Gnaphalium plantagineum, Linn.
 polycephalum, Mx. Life everlasting
 uliginosum, Linn. Cud weed
Goodyera pubescens, Brown. Rattle snake plantain

Gyromia virginica, Nutt. Indian cucumber

H.

Habenaria bracteata, Brown. Vegetable satyr

ciliaris, Brown. Orchis

dilatata, Pursh. Giant orchis

fimbriata, Brown.

grandiflora, Torrey.

herbiola, Brown.

huronensis, Sprengel.

orbiculata, Pursh.

psycodes, Sprengel.

tridentata, Hooker.

Hamamelis virginica, Linn. Witch hazel

Hedeoma pulegioides, Persoon. Pennyroyal

Helenium autumnale, Linn.

Helianthemum canadense, Mx. Rock rose

Helianthus altissimus, Linn.

divaricatus? Linn.

frondosus, Ww.

giganteus, Linn.

gracilis

strumosus, Linn.

trachelifolius, Ww.

Heliopsis laevis, Persoon.

Hepatica acutiloba, D. C.

americana, D. C. Liverwort

Heracleum lanatum, Mx. Masterwort. Cow parsnip

Heuchera americana, Linn. Alum root

Hibiscus trionum, Linn.

Hieracium Gronovii, Linn.

kalmii, Linn.

marianum, Ww.

paniculatum, Linn.

scouleri, Hedwig.

venosum, Linn. Blood wort

Hippophae canadensis, Ww. Sea buckthorn,

Hippuris vulgaris, Linn.

Houstonia ciliolata, Torrey.

Hydrastis canadensis, Linn. Golden seal. Yellow root

Hydrocotyle umbellata, Linn.

Hydropeltis purpurea, Mx. Water shield

Hydrophyllum canadense, Linn. Rough burr flower

virginicum, Linn. Burr flower

Hypericum ascyroides, Ww.

canadense, Linn.

parviflorum, Ww.

- Hypericum prolificum*, Linn.
 punctatum, La Marck.
 virginicum, Linn.
Hypoxis erecta, Linn. Star grass
Hyssopus nepetoides, Ww. Giant hyssop
 scrophularifolius Ww.

I.

- Ictodes foetidus*, Bw. Skunk cabbage
Impatiens fulva, Nutt. Speckled jewels
 palida, Nutt. Jewel weed
Inula Helenium, Linn. Elecampane
Iris versicolor, Linn. Wild flag
Isnardia palustris, Linn. Water purslane

J.

- Juncus acuminatus*, Mx.
 bufonius, Linn.
 effusus, Linn. Bulrush
 nodosus, Linn.
 polycephalus, Mx.
 setaceus, Rostk.
 tenuis, Ww.
Juniperus communis, Linn. Juniper
 virginianus, Linn. Red cedar

K.

- Kalmia glauca*, Aiton. Swamp laurel
Krigia amplexicaulis, Mx.
Koeleria nitida, Nutt.
 pennsylvanica, D. C.
 truncata, Torrey.
Kuhnia critonia, Ww.

L.

- Lactuca elongata*, Muhl. Wild lettuce
 sanguinea, Bw. Wood lettuce
Lathyrus ochroleucus, Hooker.
 myrtifolius, Muhl.
 pulustris, Linn. Marsh pea
 venosus, Muhl.
Laurus Benzion, Linn. Spice bush. Fever bush
 sassafrass, Linn. Sassafrass tree
Lechea major, Mx. Pinn weed
Leersia oryzoides, Swartz. Cut grass
 virginica, Ww. White grass. Rice grass
Lemna minor, Linn. Green duck meat
 polyrrhiza, Linn. Water flax seed

- Lemna triscula*, Linn. Duckmeat
Leontice thalioides, Linn. Poppoose-root. False cohosh
Leontodon Taraxacum, Linn. Dandelion
Leonurus cardiaca, Linn. Motherwort
Lepidium virginicum, Linn. Wild peppergrass
Leptandra virginica, Linn. Culver's physic
Lespedeza angustifolia, Elliott.
 capitata, Mx.
 polystachia, Mx.
 prostrata? Pursh.
 reticulata, Persoon.
 violacea, Persoon.
Liatris cylindrica, Mx.
 scariosa, Ww.
 spicata, Ww. Gay feather
 squarrosa? Ww.
Lilium canadense, Linn. Nodding fly
 philadelphicum, Linn. Red lily
Lindernia attenuata, Muhl. False hedge hyssop
 dilatata, Muhl. Pimpernel
Linnaea borealis, Gronovius. Twin flower
Linum usitatissimum, Linn. Flax
 virginianum, Linn. Wild flax
Liriodendron tulipifera, Linn. Whitewood, tulip tree
Lithospermum officinale, Linn. Gromwell
Lobelia cardinalis, Linn. Cardinal flower
 Claytoniana, Mx.
 Kalmii, Linn.
 siphilitica, Linn.
Lolium temulentum, Linn.
Lonicera parviflora, LaMarck.
Ludwigia alternifolia, Ww. Seed box
Lupinus perennis, Linn. Wild lupine
Luzula campestris, D. C.
 pilosa, Ww.
Lycopus europeus, Linn. Water horehound
 virginicus, Linn. Bugle-weed
Lysimachia capitata, Pursh.
 ciliata, Linn. Money wort
 hybrida, Mx.
 quadrifolia, Linn.
 revoluta, Nutt.
 stricta, Aiton. Loosestrife
Lythrum Salicaria, Pursh. Milk willow herb
Lycopodium complanatum, Linn. Ground pine
 lucidulum, Mx. Moon-fruit pine

M.

- Malaxis lillifolia*, Ww. Twayblade
Malva rotundifolia, Linn. Low Mallows
Marrubim vulgare, Linn. Horehound
Melanthium glaucum, Nutt.
Menispermum canadense, Linn. Moonseed
Mentha borealis, Mx. Horsemint
 piperita, Smith. Peppermint
Menyanthes trifoliata, Linn. Buckbean
Microstylis ophioglossoides, Nutt.
Milium effusum, Linn. Millett
 pungens, Torrey. Dwarf milletgrass
Mimulus alatus, Linn.
 ringens, Linn. Monkey flower
Mitchella repens, Linn. Checkerberry. Prtridgeberry
Mitella cordifolia, LaMarck.
 diphylla, Linn. Currant leaf
Momordica echinata, Muhl.
Monarda allophylla, Mx.
 punctata, Linn.
Mollugo verticillata, Linn. Carpet weed
Monotropa uniflora, Linn. Indian pipe-bird's nest
Muhlenbergia diffusa, Schieber. Dropsed grass
Myriophyllum verticillatum, Linn. Water milfoil

N.

- Nasturtium amphibium*, Brown. Water radish
 natans, D. C.
 palustre, D. C.
Nemopantes canadensis, D. C. Wild holly. Mountain holly.
Nemophila paniculata, Sprengel.
Nepeta cataria, Linn. Catnip
Nicandra physaloides, Persoon.
Nuphar advena, Aiton.
 Kalmiana, Aiton.
Nymphaea odorata, Aiton. White pond lily
Nyssa multiflora, Walter. Pepperidge

O.

- Oenothera biennis*, Linn. Scabish
 fruticosa, Linn. Sundrops
 muricata, Linn.
 pumila, Linn.
Onoclea sensibilis, Linn. Sensitive fern
Onosmodium hispidum, Mx. False gromwell
Orobanche americana, Linn.

Orobanche uniflora, Linn. Squaw root. Cancer root.
Oryzopsis asperifolia, Mx. Mountain rice
Osmorhiza brevistylis, D. C.
 longistylis, D. C. Sweet cicily
Osmunda cinnamomea, Linn. Flowering fern
 interrupta, Mx.
 regalis, Mx.
Ostrya virginica, Ww. Hop hornbeam. Iron wood
Oxalis stricta, Linn. Yellowwood sorrel. Sheep sorrel
Oxycoccus macrocarpus, Pursh. Cranberry

P.

Panax quinquefolia, Linn. Ginseng
 trifolia, Linn. Dwarf groundnut
Panicum capillare, Linn.
 crus-galli, Linn. Barn grass
 dichotomum? Linn.
 nervosum, Muhl.
 nitidum, LaMarck, and varieties. Panic grass
 pubescens, LaMarck.
 virgatum, Linn.
Parnassia americana, Muhl. Flowering plantain
Pastinaca sativa, Linn. Parsnip
Pedicularis canadensis, Linn. Lousewort
 pallida, Pursh.
Penthorum seboides, Linn. Virginian orpine
Pentstemon pubescens, Aiton. Beard tongue
Phalaris americana, Elliott. Wild canary grass
Phaseolus diversifolius, Persoon.
Phleum pratense, Linn. Timothy grass
Phlox aristata, Mx.
Phragmites communis, Trinius. Common reed
Phryma leptostachya, Linn. Lopseed
Physalis obscura, Mx. Ground cherry
Phytolacca decandra, Linn. Pokeberry
Pinus pendula, Aiton. Tamarack. Hackmatack
 resinosa, Aiton. Yellow pine. Norway pine. Red pine
 strobus, Linn. White pine
Piptatherum nigrum, Torrey. Clustered millet grass
Pisum maritimum, Linn.
Plantago cordata, LaMarck.
 lanceolata, Linn. Snake plantain
 major, Linn. Plantain
Platanus occidentalis, Linn. Buttonwood. Sycamore
Poa annua, Linn.
 aquatica v. *americana*, Torrey
 capillaris, Linn.

- Poa compressa*, Linn. Bluegrass
eragrostis, Linn.
hirsuta, Mx.
nemoralis, Linn.
nervata, Ww.
pratensis, Linn. English grass. Meadow grass
reptans, Mx.
serotina, Ehrhart
trivialis, Linn. Pasture grass
Podophyllum peltatum, Linn. Mandrake. May apple
Pogonia ophioglossoides, Brown. Snake-mouth arethusa
Polanisia graveolens, Rafinesque
Polygala cruciata, Nutt.
paucifolia Ww. Flowering wintergreen
paucifolia v. *alba*, Eights.
purpurea, Nutt.
Senega, Linn. Seneca snake-root
verticillata, Linn. Dwarf snake root
Polygonum amphibium, Linn. Mud knot-weed
arifolium, Linn.
aviculare, Linn. Knot-grass
Convolvulus, Linn. Bind knot-weed
Fagopyrum, Linn. Buckwheat
lapathifolium, Linn.
mite, Persoon. Tasteless knot-weed
pennsylvanicum, Linn.
Persicaria, Linn. Heart's ease, Lady's thumb
punctatum, Elliott. Water pepper
sagittatum, Linn.
scandens, Linn.
tenue, Mx.
virginianum, Linn.
Polymnia canadensis, Linn. White leaf-cup
Uvedalia, Linn. Yellow leaf-cup
Polypogon racemosus, Nutt.
Pontederia cordata, L. nn. Pickerel-weed
Populus canadensis, Mx.
candicans, Aiton. Balsam poplar
grandidenta, Mx. Tree poplar
tremuloides, Mx. White poplar. American aspen
Porcelia triloba, Persoon. Pawpaw. Custard apple
Portulacca oleracea, Linn. Purslane
Potamogeton heterophyllum, Schreber.
natans, Linn. Pond-weed
lucens, Linn.
pectinatum, Linn.
perfoliatum, Linn.

- Potamogeton zosterifolium*, Trinius.
Potentilla Anserina, Linn. Tansey cinquefoil, Silver-leaf
 arguta, Pursh.
 canadensis, Linn. Five-finger
Comarum, D. C. Marsh five-finger
 fruticosa, Linn. Shrubby cinquefoil
 norvegica, Linn. Cinquefoil
Prenanthes racemosa, Mx.
 Serpentaria, Pursh.
Prinos verticillatus, Linn. Winterberry. False alder
Prunella vulgaris, Linn. Heal all. Self heal
Prunus americana, Marshall. Meadow plum
 depressa, Pursh. Sand cherry
 obovata, Beck.
 pennsylvanica, Aiton.
Ptelea trifoliata, Linn.
Pteris aquilina, Linn. Common brake
Pycnanthemum virginicum, Persoon. Virginian thyme
Pyrola elliptica, Nutt. White wintergreen
 rotundifolia, Linn. Shin-leaf
 secunda Linn. One-sided shin-leaf
 umbellata, Linn. Prince's pine
Pyrus coronaria, Linn. Crab apple
 melanocarpa, Ww.

Q.

- Quercus alba*, Linn. White oak
 bicolor, Ww. Swamp white oak
 imbricaria, Mx. Shingle oak. Laurel oak
 macrocarpa, Linn. Over-cup oak. Burr oak
 rubra, Linn. Red oak
Queria canadensis, Linn. Forked chickweed

R.

- Ranunculus abortivus*, Linn.
 acris, Linn. Crowfoot. Butter-cup
 aquatilis, Linn. Water crowfoot
 fascicularis, Muhl.
 lacustris, Beck and Tracy. Lake crowfoot
 pennsylvanicus, Linn.
 recurvatus, Poiret
 repens, Linn.
Ranunculus sceleratus, Linn. Celery crowfoot
Rensselaeria virginica, Beck. Water arum
Rhamnus franguloides, Mx. Dwarf alder
Rhus copallina, Linn. Mountain sumach
 glabra, Linn. Slick sumach

- Rhus radicans*, Linn. Poison ivy
toxicondendron, Linn. Poison ash
typhina, Linn. Sumach
venenata, D. C. Poison elder. Poison sumach
Rhynchospora alba, Vahl.
glomerata, Vahl. False bog rush
Ribes floridum, L'Heritier. Wild black currant
gracile, Mx.
triflorum, Ww. Wild gooseberry
Rochelia lappula, R. and S.
virginiana, R. and S.
Rosa carolina, Linn. Swamp rose
parviflora, Ehrhart. Wild rose
Rubus frondosus, Bw. Leafy raspberry
occidentalis, Linn. Thimbleberry. Black raspberry
saxatilis, Mx.
trivialis, Mx. Creeping blackberry. Dewberry
villosus, Aiton. High blackberry
Rudbeckia hirta, Linn.
laciniata, Linn. Cone-flower.
pinnata, Mx.
purpurea, Linn.
Ruellia strepens, Linn. Ruel
Rumex acetosellus, Linn. Field sorrel
acutus, Linn.
britannicus, Linn.
crispus, Linn. Yellow dock

S.

- Sabbatia angularis*, Pursh. American centaury
Sagittaria sagittifolia, Linn. Arrow-head
Salix Muhlenbergia, Ww. Speckled willow.
recurvata, Pursh. Shrub willow
rosmarinifolia, Linn. Rosemary willow
Sanguinaria canadensis, Linn. Blood-root
Sambucus canadensis, Linn. Black-berried elder
pubescens, Persoon. Red-berried elder
Sanguisorba canadensis, Linn. Burnet saxifrage
Sanicula marylandica, Linn. Sanicle
Saponaria officinalis, Linn. Soap-wort. Bouncing Bet
vaccaria, Linn. Field soap-wort
Sarracenia purpurea, Linn. Side-saddle
Saururus cernuus, Linn. Lizard's tail
Saxifraga pennsylvanica, Linn. Water saxifrage
Scheuchzeria palustris, Linn. Less flowering rush
Schoenus mariscoides, Muhl. Water bog rush
Schollera graminea, Barton. Yellow-eyed water-grass

Scirpus acicularis, Linn.

acutus, Muhl.

americanus, Persoon.

autumnalis, Linn.

brunneus, Muhl.

capillaris, Linn.

capitatus, Linn.

Erisphorum, Mx.

equisetoides, Elliott.

lacustris, Linn.

lineatus, Mx.

macrostachyos, Muhl.

palustris, Linn. Marsh club rush

spadiceus, Linn.

sub-squarrosus, Muhl.

sub-terminalis, Torrey.

tenuis, Ww. Club rush

Scleria triglomerata, Mx. Whip-grass**Scrophularia lanceolata**, Pursh.

marylandica, Linn. Fig-wort

Scutellaria ambigua, Nutt.

cordifolia, Muhl.

galericulata, Linn. Scull-cap

lateriflora, Linn. Mad-dog scull-cap

Senecio Balsamitae, Muhl. Balsam groundsel

hieracifolius, Linn. Fire-weed

Senecio vulgaris, Linn. Groundsel**Setaria glauca**, P. de B. Fox tail. Panic grass**Sida Abutilon**, Linn. Indian mallows**Silene antirrhina**, Linn. Sleepy catch fly

stellata, Aiton.

Silphium gummiferum, Elliott. Rosin plant

perfoliatum, Linn. Ragged cup

terebinthinaceum, Linn. Prairie dock

Sinapis nigra, Linn. Black mustard**Sisymbrium officinale**, Scopoli. Hedge mustard**Sisyrinchium anceps**, Cavanilles. Blue eyed grass**Sium latifolium**, Linn. Water parsnip**Smilacina bifolia**, Des Fontaines. Dwarf Solomon's seal

racemosa, Des Fontaines. Spiked Solomon's seal

stellata, Des Fontaines.

Smilax herbacea, Linn. Bohea tea

peduncularis, Muhl. Jacob's ladder

rotundifolia, Linn. Horse brier. Green brier

Solanum nigrum, Linn. Deadly nightshade**Solidago axillaris**, Pursh.

canadensis, Linn. Canadian golden rod

- Solidago juncea*, Aiton.
 flexicaulis, Linn.
 lanceolata, Aiton.
 nemoralis, Aiton.
 rigida, Linn.
 serotina, Aiton. Smooth golden rod
Sonchus oleraceus v. *aspera*, Linn. Sow thistle
Sparganium americanum, Nutt. Lake burr reed
 ramosum, Smith. Burr reed
Spartina cynosuroides, Ww. Spiked salt grass
Spergula arvensis, Linn.
Spiraea lobata, Jacquin.
 opulifolia, Linn. Nine bark, hard hack. Snow ball
 salicifolia, Linn. Willow hard hack
 tomentosa, Linn. Steeple bush
Spiranthes cernua, Richard. Nodding ladies' tresses
 gracilis, Beck.
 tortilis, Richard.
Stachys aspera, Mx. Hedge nettle
 hyssopifolia, Mx.
Staphylea trifolia, Linn.
Stellari longifolia, Muhl.
 media, Smith. Chick weed
Stipa avenacea, Linn.
 Feather grass
 juncea, Pursh.
Streptopus roseus, Mx. Rose bell-wort

T

- Tephrosia virginica*, Persoon. Goat's rue
Teucrium canadense, Linn. Wood sage
Thalictrum cornuti, Hooker
 dioicum, Linn. Meadow rue
Thaspium barbinode, Nutt.
Thesium umbellatum, Muhl. False toad flax
Thuja occidentalis, Linn. White cedar. Arbor vitae
Tiarella cordifolia, Linn. Mitre wort
Tilia glabra, Ventenat. Basswood. Limetree
Tofieldia glutinosa, Mx.
Tradescantia virginica, Linn. Spider wort
Trichodium laxiflorum, Mx.
 scabrum, Muhl.
Tricuspis sesleroides, Torrey. Red top
Trientalis americana, Pursh. Chick wintergreen
Trifolium pratense, Linn. Red clover
 repens, Linn. White clover
Triglochin maritima, Linn. Arrow grass

Triglochin palustre, Linn. Marsh arrow grass
Trillium erectum, Linn. False wake robin
 erythrocarpum, Mx. Smiling wake robin
 grandiflorum, Salisbury.
Triostema perfoliatum, Linn. Fever root. Wild coffee
Triphora pendula, Nutt. Three bird orchis
Trisetum purpurascens, Torrey.
Typha latifolia, Linn. Cat tail. Reed mace

U.

Ulmus fulva, Mx. Slippery elm. Red elm
Urtica canadensis, Linn. Canada nettle. Albany hemp
 capitata, Linn.
 dioica, Linn. Common nettle
 pumila, Linn. Stingless nettle
Utricularia fornicata? LeConte.
 gibba, Gronovius.
 macrorrhiza, LeConte. Bladder wort
 purpurea, Walter.
Uvularia grandiflora, Smith.
 sessilifolia, Linn:

V.

Vaccinium pennsylvanicum, LaMarck. Whortleberry
 resinosum, Aiton. Black whortleberry
Verbascum Blattaria, Linn. Moth mullein
 thapsus, Linn. Mullein
Verbena caroliniana? Pigmy vervain
 hastata, Linn. Vervain
 urticifolia, Linn. Nettle leaf vervain
Vernonia nove boracensis, Ww. Flat top
Veronica Anagallis, Linn. Brook pimpernel
 arvensis, Linn. Wall speedwell
 beccabunga, Linn.
 scutellata, Linn. Scull-cap speedwell
Viburnum acerifolium, Linn. Arrow wood
 oxycoccus, Pursh. High cranberry
 pubescens, Pursh.
Vicia americana, Muhl.
 caroliniana, Walter.
 cracca, Linn. Tufted vetch
Vitis aestivalis, Mx. Summer grape
 riparia, Mx. Odoriferous grape
Viola blanda, Ww. Smooth violet
 canadensis, Linn.
 cucullata, Aiton. Blue violet
 muhlenbergiana, Genging. Slender violet
 ovata, Nutt.

Viola pedata, Linn.

pubescens, Aiton. Yellow violet

rostrata, Muhl. Beaked violet

X.

Xanthium strumarium, Linn. Clot burr

Xanthoxylum fraxineum, Ww. Prickly ash

Xylosteum ciliatum Pursh. Twin berry

Xyris caroliniana, Walter. Yellow eyed grass

Z.

Zizania aquatica, Lambert. Wild rice, Wild oats

Zizia aurea, Koch. Meadow parsnip

cordata, Koch. Alexanders

integerima, D. C.

Abbreviations of Author's names.

Bw.....	Bigelow.
D. C.....	DeCandole.
Lind.....	Lindley.
Linn.....	Linneaus.
Mx.....	Michaux.
Nutt.....	Nuttall.
Muhl.....	Muhlenberg.
P. de B.....	Palisot de Beauvois.
R. & S.....	Roemer & Schultes.
Ww.....	Willdenow.

(No. 3.)

*Report of S. W. Higgins, Topographer,**To DOUGLASS HOUGHTON, State Geologist, Michigan.*

SIR—I herewith present a summary of the proceedings of the department which you did me the honor to place under my charge, with such facts in relation thereto as have been deemed of importance.

It is fortunate for the success of our undertaking, that in the new states the surveys of the general government have superceded the necessity of a large expenditure of time and funds in developing the surface of the country, by means of trigonometrical surveys. In order, therefore, to determine what strictly belongs to this branch, it was presumed that the information which might be obtained by referring to the several land offices, would prove sufficient.

It was thus my first object to make copies of all the records in the state, and collect from every source all the information in my power. For that purpose, after commencing with the Detroit land office, I proceeded to Flint; from thence to Ionia and Kalamazoo, and lastly to Monroe, where this part of my labors terminated, having obtained copies of 763 townships. These I set about compiling immediately into counties, connecting the sectional lines and streams. Copies of the counties, on a lineal scale of two miles to the inch, as well as separate townships on an enlarged scale, have been used by the geological corps successfully in their explorations, for the purpose, not only of noting the geology in detail, but of delineating the true course of the smaller streams, the extent of swamps and marshes, public roads and improvements. Incorrectness will not be owing to the want of labor or attention bestowed, and from the materials in progress of collection, a certainty arises of a more correct execution of the maps to be made hereafter, than of any heretofore constructed.

It is to be regretted that there are so few statistics of the lakes. Many of the particulars which I have inserted appear indefinite for the want of more certain data; particularly their depth. In general, too much is left to conjecture, and until the necessity is urged upon the general government for a thorough hydrographical survey, and accurate descriptions of every part of them, losses and disappointment will check the ardor of enterprize. Much of the destruction of property may be charged to the want of charts, and the losses of a single year will amount to far more than the cost of an entire survey. A commencement of such a survey was made when Gov. Cass occupied the war department, but ceased

at the end of two years, having extended from the foot of Lake Huron to Middle Island.*

For a description of our topographical location, data were readily obtained from the records of the public works in the adjoining states. Their various public improvements have led to the exploration of every point of importance, and from a comparison of these points, with the records of our own public works, the true position of every required place on the southern portion of the peninsula may be relatively known.

Topographical location of Michigan.

The topography of the state of Michigan, when viewed in relation to its exterior position, being separated by a natural boundary of rivers and lakes on the east and north-east from Upper Canada, from Illinois and Wisconsin on the west and south-west, and from Ohio and Indiana on the south, or only in reference to the space included within its own political and isolated boundaries, presents many peculiar features.

Lake Michigan on the west and north-west, Lake Huron, the river and lake St. Clair, the straits of Detroit, with the west end of Lake Erie on the east and north-east, enclose a peninsula forming a cone, of which the straits of Mackinaw is the apex, the south line or base being one hundred and seventy-four miles east and west, and the length north and south three hundred miles. With this extent of coast, the number of large rivers, and the infinity of small interior lakes, gives the utmost facilities to internal navigation; add to this the superior quality of the soil, its easy tillage, the heavy and abundant crops, and perhaps the whole is not surpassed by any section of equal extent on the surface of the globe.

The northern or upper peninsula belongs to a higher level. Beginning at the eastern end of Lake Superior, and running southerly along the Sault de Ste. Marie's river, it lies nearly at right angles with the southern or peninsula proper, and separated from it by a part of Lake Michigan and Green Bay, as far as Menomonee river. It thence takes a northwest course to Montreal river, from the mouth of which, it follows the southern shore of Lake Superior to the place of beginning; presenting an irregular and nearly isolated form, varying from twenty to one hundred and twenty-five miles in width.

Michigan, with the states west and south-west, are designated by geographers, as lying west of the great dividing ridge which determines the course of the rivers falling into the Atlantic on one side, and the Mississippi on the other. This Appalachian ridge, rising in Alabama, runs north-east, varying in altitude, to the gulf of the St. Lawrence, in many places spreading out into broad

* This survey simply included meanderings.

mountainous districts of thousands of square miles in extent. These districts being occupied by subordinate ridges, are often cut through by rivers, causing depressions, or vallies of corresponding depth. If, however, in tracing the continuation of the great ridge, across the St. Lawrence to Labrador, it should be found that the same system continued, then the important fact would be elicited, that it had been cut through by that river, the only occurrence of the kind, from its source in the south, to its termination in the north. The Potomac, the Susquehanna and the Mohawk rivers have their sources on its eastern declivity. The lowest pass across the state of New York on the line of the Erie canal, is 565 feet above tide water; the "medium height, however, a few miles south, commencing at Catskill, on the Hudson, and terminating at Portland harbor on Lake Erie, is thirteen hundred feet, presenting no height less than nine hundred and eighty-five feet, and the greatest twenty-one hundred and forty-four feet. With these and other surveys, it has been ascertained, that a water communication could not be made across the country south of the state of New York."

Further south the elevation is no where less than twenty-four hundred and seventy-eight feet above the ocean. The Round Top at Catskill mountains, is thirty-eight hundred and four feet, and the High Peak, thirty-seven hundred and eighteen feet above tide water. The western part of the state bordering on Lake Erie, embracing Chautauque and Cattaraugus counties, Warren and McKean counties of Pennsylvania, and the country southward, are occupied by a mountainous ridge: "Chautauque lake, the largest sheet of water on this table, is twelve hundred and ninety-one feet above the level of the ocean, and seven hundred and twenty-three feet above Lake Erie, though only nine miles distant: its discharged waters descend to the ocean, along the western declivity of the Appalachian range, through the Ohio and Mississippi rivers. The lowest pass to the east over a swell of land near Cassadaga outlet, in Chautauque county, is seventeen hundred and twenty feet high, and another pass on the same swell, nineteen hundred and seventy-two feet. The lowest niche in the height of land, between Elm and Little Valley creeks, in Cattaraugus county, is seventeen hundred and twenty-five feet, and between Little Valley and Big Valley, the lowest pass is twenty-one hundred and eighty feet above the level of the ocean. Franklinville has an elevation of fifteen hundred and eighty feet, and Angelica fourteen hundred and twenty-eight feet, although both are situated in valleys. This height of land extends close to the shores of Lake Erie, as it may be seen that the Allegany, a tributary to the Ohio, rises within four or five miles of the lake."

To the north this ridge gradually declines, until near the

southern shore of Lake Ontario. Seven miles north of the cataract of the Niagara, it takes its last step to the margin of the lake. The ridge of rocks which forms this step continues eastward, and passes round the border of the lake, being of a uniform elevation of three hundred and nineteen feet; causing not only the cataract of Niagara, but also those of Genesee, Oswego, and the Black rivers. It thence unites with the more elevated spurs of Chateaugay, south of Montreal, forming the eastern boundary of the great basins of Lake Erie and Ontario, and giving the direction to the course of the St. Lawrence river through its whole length.

From the foregoing remarks, it is observable that the great basins or depressions of these lakes, are the abrupt terminations of the mountain range, and that we fall immediately into an extensive district, different in its topographical features, the peculiarities of which belong only to the region of the great lakes which bound the principal part of the northern frontier of the Union.

Leaving Chautauque county and passing around the south shore of Lake Erie, this ridge falls off to the southwest, curving towards Iroquois county, in Illinois. It gives rise to the Muskingum, Scioto, and Miami rivers, in Ohio, and to the Wabash, in Indiana, on its southern declivity, and to Maumee, emptying into Lake Erie on its northern declivity, while a small swell approaches the south bend of Lake Michigan, giving rise to the Illinois and its tributaries. The height of this ridge at the Portage summit, in Akron, thirty-eight miles south of Cleveland, on the line of the Ohio canal, is three hundred and ninety-five feet above Lake Erie, and nine hundred and sixty-three above tide water, and the deep cut twenty-eight miles east of Columbus, is but seventy-two feet less; at Portsmouth on the Ohio river, where the canal terminates, the elevation is four hundred and seventy-four feet above tide water, and ninety-four feet below Lake Erie. At the summit of the Maumee canal, at Fort Defiance, it is ninety-eight feet above the lake. It then falls to seventeen feet west of Chicago on the line of the ship canal, thence it pursues an uninterrupted course northward to the Portage at Fort Winnebago, between the Wisconsin and Fox rivers, an elevation of one hundred and twenty-one feet above Green Bay, and one hundred and thirty-four above Lake Erie.

At this point the Wisconsin river, after flowing one hundred and seventy miles from its source in the north, suddenly turns to the west, and falls into the Mississippi near Prairie Du Chien, one hundred and sixty miles; the Fox river, rising to the east, runs westwardly, approaching it within eighty-two hundred feet, and turning, takes its course again eastwardly, and falls into Green bay. The surface of the water in the Fox is usually three feet lower than that in the Wisconsin, but in time of floods, passages

are made from one to the other in boats. The following table will show the elevation of this summit above Lake Michigan and Green bay, the distance by the military road being one hundred and twenty-four miles.

	Feet.	Descent.
From Portage to Lake Winnebago,		30
Winnebago Rapids,*	10.5	40.5
From Winnebago Rapids to Grand Chute,	3	43
Rapids Grand Chute,*	25	68
From Grand Chute to Little Chute,	6	74
Rapids at Little Chute,*	1.5	75.5
From Little Chute to Grand Cacalin,	5	80
Rapids at Grand Cacalin,*	31	111
From Grand Cacalin to De Perre,	3	114
at De Perre dam and level Green Bay,*	6	120
		121 ft.

The same swell continues to rise with about the same uniform degree of elevation, approaching the northern peninsula of Michigan, until it can be seen from Lake Superior, bounding the southern horizon. It divides the waters that run north into that lake, and those of the south into the Mississippi, Green bay and Lake Michigan, one of the most elevated ridges receiving the appellation of Porcupine Hills. Swells branching off to the eastward, and having their bases washed by the waters of the lake, present mural precipices, and assume different names. Those of the Pictured Rocks are said to be the most imposing. Some of these cliffs are three and four hundred feet high. From the Porcupine Hills, the country slopes eastward to the Sault de Ste. Marie, the outlet of Lake Superior; this river is obstructed by a rapid 4,500 feet long, with a descent of eighteen feet.

Table of the height of Lake Superior, with the intermediate lakes above, and their distances from tide water.

Route.	Miles.		Feet.	
St. Lawrence river up to tide water,		450		
Level Lake Ontario,	200	650		232
Level Lake Erie,	175	825	333	565
Level Lake Huron,	340	1165	13	578
Level Lake Michigan,				578
Level Lake Superior,	240	1405	18	596
West end Lake Superior,	490	189		

* Ascertained by instrumental survey.

From the above data we infer the following curious fact: that if a barrier eighteen feet high existed across the foot of Lake Huron, near Fort Gratiot, Lakes Huron and Michigan would rise to a level with Lake Superior; or if a similar barrier was placed of thirty-one feet, across the foot of Lake Erie, at Buffalo, the singular result would follow that four of the great lakes would become one uniform level and merged in one immense inland sea.

By an examination of the foregoing table, we see a striking peculiarity of this region of "broad rivers and streams"—its vast extent—commencing at the gulf of St. Lawrence and extending in a southwest direction up that river; thence into the basin of Lake Ontario, at an elevation of 232 feet above the ocean; thence again rising by the Niagara river and cataract, 388 feet to the level of Lake Erie; (the first in the central subdivision, including Lakes Huron and Michigan, of the great basin,) forming an angle at the western end of that lake in the estuary at the mouth of the Maumee river, it thence runs nearly north through the straits of Detroit, the lake and river St. Clair, into Lake Huron, rising 13 feet; thence by a northwesterly course, through the straits of the Sault de Ste. Marie, rising 18 feet, to the west end of Lake Superior, a distance of 1,895 miles. The whole depression contains an area of 400,000 square miles, 94,000 of which is occupied by water, still leaving an extent sufficient to sustain a population of more than seventy millions of inhabitants.

The following will show, in a condensed form, estimates of the mean length, breadth, depth, area, and elevation of the several collections of water:

	Mean Length. Miles.	Mean Breadth. Miles.	Mean Depth. F e.	Elevation Feet.	Area in square miles.
Lake Superior,	400	80	900	596	32,000
Green Bay,	100	20	500	578	2,000
Lake Michigan,	320	70	1000	578	22,400
Lake Huron,	240	80	1000	578	20,400
Lake St. Clair,	20	18	20	570	380
Lake Erie,	240	40	84	565	9,600
Lake Ontario,	180	35	500	232	6,300
River St. Lawrence,			20		940
					94,000

Michigan occupies a central position, between the extremes, and uniting with the upper division of the St. Lawrence basin, having an area of forty-three thousand five hundred square miles on the lower, or peninsula proper, and twenty-seven thousand

square miles on the upper peninsula ; making an aggregate of seventy thousand five hundred square miles.

The Lakes and Lake Coast.

These constitute a prominent feature, and must be of great and increasing interest, connecting the agricultural with the commercial enterprize of Michigan. As no state with a location so distant from the seaports, has done more in the same short period to develop the advantages to be derived from its internal resources, none can be in a situation better to reap the advantages arising from an extended inland coast.

If the distance by meanders of the shore of the lakes, and indentations of the bays, were to be made the standard for the length of the coast, it would amount to more than twice that of another, run without regard to the sinuosities of the shore.

The exact distance from the foot of Lake Huron, (near Fort Gratiot,) at a point where the north line of township number six north, and range number 17 west, intersects the water, to Middle Island, by meanders, is 345 miles, including Saginaw bay. The same distance on a direct line is only 143 miles. Thence to Mackinaw, 97 miles ; but by meanders, including the False and True Presque Isles, the distance would be increased to 150 miles ; making a total by meanders of 495 miles ; and by a direct line, 240 miles.

If the eastern shore of the peninsula appears so irregular and deeply indented with bays and harbors, the western is not less so, particularly in the northern part. The difference will be proportionally greater, as the Little and Grand Traverse bays are larger, excepting Saginaw bay, than the largest bays on the eastern side ; but as a small part only of the western shore has been surveyed, the subject will not admit of a more extended notice at this time.

Many doubts have heretofore existed in relation to the number and convenience of harbors. A minute examination of the shores, has, however, removed much of the prejudices against the navigation of the lakes, and there is probably no line of coast of equal extent, (being 700 miles,) that will, with inconsiderable improvements, furnish a greater number of good harbors. Much of the apprehended danger has arisen, therefore, from ignorance of these facts, and the localities of the numerous sheltered bays which would afford protection at all seasons ; and as but few if any attempts have been made by actual navigators to explore for themselves, and being without charts, it is no wonder that representations of danger should have obtained, and the dread of shipwreck on an apparently desolate coast, magnify in a great degree, the fears attendant on crossing these inland seas.

Depth of the Lakes.

The depth of the lakes has been a subject of speculation, from the earliest period of their discovery by Europeans. Tables have been constructed, and the areas and contents of each, endeavored to be ascertained. Errors have been made in these as well as in their elevation above the ocean; in the latter case, however, little is left to conjecture.

Lake St. Clair, an expansion of the straits between Lakes Huron and Erie, 18 by 20 miles, is much the shallowest, the average depth being only 20 feet. Lake Erie does not exceed 84 feet. An ordinary storm disturbs its bottom, and its waters appear turbid. These lakes may be considered as receiving the detritus brought down by the rivers flowing into them, and deposited there. This in particular is apparent, around the head of Lake St. Clair, where alluvion islands are constantly forming, and in spring choke up the numerous channels at the mouth of the St. Clair river, extending in the form of a delta far into the lake. The same remark may be made in respect to the west end of Lake Erie, where detritus extends some miles from the mouth of Maumee river; the channel is often devious, and a prevailing westerly wind reduces the lake to less than one fathom.

Lakes Michigan and Huron have undoubtedly the deepest chasms. Receding from the shore, their waters deepen uniformly, and there exist no central shoals or islands, showing in any manner a broken or alpine formation at their bottoms. It is only in the straits of Mackinaw, and above and around the Georgian or Manitou bay of Lake Huron, that islands and shoals make their appearance. The channels among these islands, however, are only chasms through rocks, caused by abrasion from the waters of the lakes. Soundings have been made to the incredible depth of eighteen hundred feet, without reaching the bottom, and the most experienced ship masters do not hesitate to assert the average depth to be more than one thousand feet. Lake Superior, though larger, cannot be considered deeper than the others, for reasons already assigned. It abounds with islands, many of which are large; Isle Royal is one hundred miles long. Primitive masses of rock lie disrupted above and below its surface, in every direction, and a permanent impression is left that a chasm, shapeless in its exterior, as well as its interior dimensions, fed by springs and tributary rivers, are the great features of this lake, at a depth of nine hundred feet.

Mountain districts, as has been heretofore observed, may be cut through by rivers, causing deep vallies and depressions, but no where on the continental surface of the globe can be found so deep chasms as the basins of these lakes. Though elevated 596 feet above, their bottoms are more than 400 feet below the level

of the ocean. Their superficial area is 94,000 square miles, and they contain 11,300 cubic miles of water; a quantity more than half of all the fresh water on the earth.

Interior Peninsula Lakes.

Neither is the subject of the lesser interior lakes on the peninsula, so far as their number and magnitude are ascertained, to be overlooked, forming as they do by their frequency a great contrast in the topography of this, to that of the other states.

From the Ohio and Indiana line on the south, up to range line number seven north, including all south of the northern railroad, an extent of 9,668,320 square acres, there are 1,425 of these lakes, occupying areas of from one to thirty-five hundred square acres each. Their waters are remarkably cool and transparent, and give to the landscape a highly picturesque appearance. To apply the principles of hydrography in ascertaining their aggregate extent, becomes the more difficult, since, in addition to their great number, no two are of the same dimensions. The following, however, will be found to approximate the truth: allowing each lake an area of 160 rods square, we shall give to the whole 228,060 acres, an extent equal to nearly ten townships, and somewhat larger than Lake St. Clair; and a proportion of about one acre of water to every thirty-nine of dry land.

All the rivers in the state have their sources in groups of these lakes, and they are the fountains of the unremitting volumes that flow through the thousand channels of our streams. While the rivers of neighboring states have measurably disappeared during the drought of the last summer, and caused derangement in their commerce, ours have suffered comparatively little diminution.

Periodical Rise and Fall of Water in the Lakes.

This interesting question has given rise to a variety of curious speculations. The inference drawn from the following data, it is presumed, will not be altogether inconclusive.

Calculations may be made sufficiently accurate to determine nearly the amount of surface drained, "and if our climate shows a successive series of cold and moist years, and a series of warm or dry ones, mutually following each other," variations in the volume of water, cannot but necessarily be great.

Taking into our account only the central and upper divisions of the St. Lawrence valley, from Niagara, to the northwest angle of Lake Superior, embracing all the country whose streams are tributary to the lakes, we have, by the following table of sections, 248,755 square miles of surface, besides that of the lakes.

Superfices Drained by the Central and Upper Divisions of the St. Lawrence Basin.

	MEDIAL LENGTH.	MEDIAL BREADTH.	AREA IN SQ. MILES.
Peninsula E. and S. E. of Lake Huron, and N. of Lake Erie, from Iroquois bay to Niagara,.....	123	88	10,455
N. and N. E. from Iroquois bay to the Ottawa river,.....	300	200	60,000
N. E. of Lake Superior, from Mackinaw to Nipigon river,.....	320	60	19,200
N. W. of Lake Superior, from Nipigon to St. Louis river,.....	310	55	17,050
S. W. and S. of Lake Superior, from St. Louis river to Desert lake and Portage,.....	300	200	60,000
W. side Lake Michigan, from Portage to head Des Plaines river,.....	150	100	15,000
Peninsula between Lakes Michigan and Huron, and west end Lake Erie,....	325	174	56,550
South of Lake Erie to Niagara,.....	300	35	10,500
Add area of Lake Superior,.....	32,000		
" Green Bay,.....	2,000		
" Lake Michigan,.....	22,400		
" Lake Huron,.....	20,400		
" Lake St. Clair,.....	360		
" Lake Erie,.....	9,600		
Total square miles,.....			335,515

The floods in Lake Ontario are generally the highest by about two feet, and for the obvious reason, that it receives the successive accumulation of all the other lakes, from the Niagara to the head of the St. Louis river.

From the year 1814, we can speak with some degree of confidence of the rise and fall of these waters. During that year, the upper lakes were full. This was the case in 1815, with the central and lower lakes. In 1819 and 1820, the water is said to have been at an unusually low ebb in the same lakes.

The difference in the time of the apparent rise between the upper and lower division may be accounted for on the principle that the largest bodies of water are on the upper level, and as these are discharged, the lower division would be comparatively high, while the upper would be reduced to low water mark.

From 1820, the water again began to rise, and continued to increase, until 1828; since which time, A. E. Hathon, Esq., civil engineer of Detroit, has given the subject particular attention. His first observations were taken at the old hydraulic works, at the time when the pipes were being laid for furnishing the city with water from the Detroit river; he has since transferred it to the top of the water table of the tower, at the new hydraulic works. The surface of the river at the time of the transfer, August 21, 1838, was 3.21 feet below that base: this will serve as a reference for the future.

It appears from his journal, that the water was low in the spring of 1830, having fallen about two feet since 1828. In June following, it had again risen two feet, or to the level of 1828. From that time, its rise was gradual, until June, 1836, at which time it was found to have attained the height of one foot and eight inches. In June, 1837, it rose seven inches. In June, 1838, nine inches, and on the 21st August following, three inches; making the rise 3 feet 3 inches since June, 1830, and 5 feet 3 inches since March in the same year.

Table showing the rise of water from March, 1830, to Aug. 1838.

	Feet.	Inches	Rise.
June, 1830,			2 0
June, 1836,	1	8	3 8
June, 1837,		7	4 3
June, 1838,		9	5 00
Aug. 21, 1838.		3	5 5

Some allowance ought to be made for the sudden rise of two feet from March to June, as from observation, it is believed that winter has the effect of producing a partial decrease.

On the 21st November, 1838, the water had fallen $12\frac{1}{2}$ inches, and on the 2nd February, 1839, 3 feet 8 inches.

Many conclude that the present high flood is greater than has been known for at least a century, from the fact, that orchards have been killed along the St. Clair and Detroit rivers, in consequence of the lands being overflowed. In some instances, forest trees have been destroyed by the overflowing water, and upon counting the concentric circles in sections obtained from their trunks, they were found to exceed a hundred.

In order to estimate the enormous accumulations of water during the time of the highest flood, and which is discharged through the river, it will only be necessary to refer to the table where $5\frac{1}{2}$ feet appears to be the maximum of the rise. A transverse section of the river taken opposite Detroit, where it is contracted to 52.80 of a mile, of this depth contains 19,018 cubic feet; and allowing the current a velocity of one mile an hour, which is known to be less than its ordinary current, there would be discharged 95,185,040 cubic feet per hour, or 1,585,558 cubic feet per minute, an amount sufficient to supply fifty-eight canals of the dimensions of the Clinton and Kalamazoo,* or thirty five of the grand Erie canal, and more than sixteen times the amount contained in the Cedar river, and Sycamore creek, Ingham county, Deer creek and Grand river, Eaton county, Shiawassee river, Livingston county, and Rabbit river, Allegan county.†

We are not prepared to say that there are sixteen times as many rivers, (as those above enumerated,) at the north, which have changed their course, and discharge in directions contrary to their former ones, thus filling the basin of Lake Superior, and causing the periodical rise of the lakes; nor is it reasonable to suppose that rivers, discharging so great a quantity, can be found in that region. We must, therefore, look for the cause to the quantity of rain which has fallen, and to the melting of the snow, in spring, upon the immense surface drained by these lakes.

Rivers.

Streams receiving the appellation of rivers in the state are numerous. This name, however, is applied to none unless of sufficient magnitude to be considered worthy of meandering on both sides; accordingly, instructions to that effect have been given by the Surveyor General to his deputies, in the prosecution of the go-

*27,313 cubic feet is required per minute, for this canal. See rep. of J. Hurd, engineer.

†These rivers discharge in the aggregate, 98,546 cubic feet per minute, at the places designated. J. Hurd's report.

vermont surveys. The Grand, Muskego and St. Joseph, will bear a comparison in length with many of the western, and no small number of the eastern rivers, of the first and second class. Their width and depth are not in proportion to their length, arising from the fact of their uniform descent. This characteristic will apply to all the other streams on the peninsula. They are unbroken by cataracts, and but little obstructed by rapids. The number in the surveyed part; and discharging into the lakes, is twenty;—of these the Grand river is the largest.

This river rises in Hillsdale and the south part of Jackson counties, in a cluster of more than fifty lakes, that interlock with the Kalamazoo and St. Joseph, each emptying into Lake Michigan on the west, and with the Raisin, which empties into Lake Erie, on the east. These, with the Little St. Joseph, St. Joseph of Maumee, and Tiffin, or Bean creek, running south, have their sources on the highest table land in the southern half of the peninsula, being an elevation of six hundred and forty-six feet above Lake Erie. From its source in a northerly direction to Jacksonburgh, is twenty-five miles; its level here being three hundred and twenty-five feet above Lake Michigan. From Jacksonburgh, it is fifty-three miles to Red Cedar river, thirty to Looking-glass river, and eighteen to the Maple river. At this point its elevation is fifty-six feet above the lake, where it takes a westerly course of fifty miles to Grand rapids, and forty more to its mouth, making its entire length two hundred and sixteen miles. It conveys the surplus water of 2,949,120 square acres. There are many other large tributaries besides those above mentioned, which it receives from the north—among these are the Flat and Rogue rivers, no inconsiderable streams. Its width the first forty miles from its mouth is 800 feet, and for fifty miles farther, to Lyons, on the Maple, it is 500 feet. In spring, floods raise the river about ten feet, overflowing and enriching its valley, which is densely covered with a heavy and beautiful growth of forest trees.

The St. Joseph has for its source more than twenty-five lakes, and as before mentioned, has its origin in Hillsdale and Branch counties; it runs a northerly course, afterwards passing to the southwest, and crossing the south boundary of the state, enters Indiana; again curving northwardly, it re-enters this state and falls into Lake Michigan, receiving many large tributaries, among which are the Paw Paw, the Dowagiac, Elkhart, Prairie, Pigeon and Fawn rivers.

From its mouth to the line of Indiana, the distance is forty-eight and a half miles, at a level of sixty-eight and a half feet; after running forty-three miles in Indiana, and at an elevation of ninety feet, it re-crosses the state line; the distance to Three rivers is twenty-three and three-fourth miles, rising thirty-five feet, thence twenty-six and one-fourth miles to Sturgeon lake, and

twenty and a half to Union city, making the whole distance one hundred and sixty miles from its mouth to this place, and its height above Lake Michigan two hundred and eighty-five feet; the entire length of the river is two hundred and eight miles, its width is nine hundred feet at its mouth, and carries the surplus waters of 2,327,040 square acres.

The Kalamazoo river drains nearly all the remainder of the surface on the western declivity, (situated between the Grand and St. Joseph rivers above described,) or about 1,382,400 square acres. Its tributaries are not many or large; its average width is about two hundred feet; its source is in a group of 20 lakes: Farwell's lake is six feet above the source of Grand river, though hardly forty rods distant, and so near do the rivers rising on this plateau approach each other, that the waters flowing east, west and south, might easily be made to mingle at this point. Its course is more direct than either of the others mentioned.

The distance from its mouth to Allegan is thirty-eight miles, with a current of three miles an hour; thence twenty-five miles to Kalamazoo, where it is one hundred and forty-eight feet above the lake; thence to Albion, at the Forks, thirteen miles, rising nine feet, making a distance of one hundred and sixteen miles, and at an elevation of three hundred and forty-five feet. From the Forks to its source is thirty-four miles; its entire length is therefore one hundred and fifty miles.

The rivers discharging on the eastern coast of the state, within the surveyed district, have a less volume, and may be described together as having similar features, or if there be an exception, it is in the length. The length of all is abridged, however, by having a space to traverse only of about forty to sixty miles; the dividing ridge being so much nearer the eastern than the western side of the peninsula.

The river Raisin heads in a series of fifty lakes, the nearest of which is but a few rods from the head of Grand river. Its whole length may be computed at 85 miles.

The head waters of the western branches of the Huron also rise near those of Grand river, while its eastern sources inosculate with the Clinton. This river and the Clinton have their sources in by far the greatest number of lakes; they are no less than 200, and some of them large, embraced in the area of Oakland, Livingston and Washtenaw counties.

The Saginaw river receives the discharged waters of the Cass, Flint, Shiawassee and Tittabawassa rivers, twenty-five miles from its mouth. These rivers with their tributaries descend from every point of the compass—the Tittabawassa from an unsurveyed district in the north; the Shiawassee from the western declivity of the summit in Oakland county in the south; the Flint and Cass from the summit of the same swell, in Lapeer and Sanilac

counties, on the east and southeast. Their average length is ninety miles.

United States' Surveys.

These are progressing with rapidity, and if continued during the next two years, the whole peninsula will have been surveyed. The highest point to which they have been carried is town 26 north, embracing 180 townships. The facilities are reported by the surveyors, to be as favorable as those of any other new country, and equal to those of earlier surveys, for carrying forward their work; maps of these surveys have been collected, in part, for the future use of the geological department. An inspection of them exhibits in the general outlines, a similarity to the southern portion of the state; the variety and number of small lakes, the great length of the principal streams, with an undulating surface, are the principal features.

It is understood that contracts will be made for commencing on the upper peninsula, at the opening of next season, and it is probable that the standard lines will be run, and the completion of the eastern half, from Chocolate river on Lake Superior to the head of Green bay, during the same time.

The lands heretofore held in reserve, and which are by treaty to be sold, have been subdivided. These reserves are among the best locations in the state. The avails, after deducting the surveys and other expenses, go to the Indians.

Little will be left after the survey of the state shall have been completed, requiring adjustment. The simple rectangular method adopted by the general government, first, in subdividing the country into townships of six miles square, and these again into sections of one mile, give a character of mathematical accuracy which is excelled by no other system; the width and course of all streams crossing these lines, and their distance from the nearest corner, are noted, as well as the entrance into and distance across marshes and swamps; it will therefore require but little attention to draft the streams not meandered, as well as the marshes, in the interior of the sections, by personal examination, with sufficient accuracy for correct topographical maps.

Levels.

Information of the most valuable kind has been obtained from the Board of Commissioners of internal improvement; copies of the surveys of the central and northern railroads have been furnished, and by a resolution which passed that board in 1837, they will continue to furnish copies of all the surveys connected with the public works; these, with the surveys of the different railroad and canal companies, will leave but few points, the elevation or depression of which may not be known, either in reference to the

lakes or the ocean. Vertical sections connected with correct lineal drawings, are appreciated by the geologist, and have an interest with him as great as with the engineer.

Accompanying this report you will receive a map of the state made by your direction for general reference. Upon the same sheet, projections of all the levels which have been made across the state, are constructed. A slight inspection will show at once the vertical relation of almost every important point throughout the territory included in the survey. The surface of Lakes Huron and Michigan is made the plane of reference; these are 578 feet above tide water.

By a reference to the heights, it appears that there is a swell of land, which may be called the true *water-shed*, running from Point aux Barques south forty-five degrees west, and passing out of the state into the northeast corner of Indiana, about equidistant from Lakes Erie and Michigan. It attains its greatest elevation in Hillsdale county, seven miles east from Jonesville, where it is 638 feet above the plane of reference. Its summit on the central railroad, at the division line between Jackson and Washtenaw counties, fourteen miles east of Jacksonburgh, is 437 feet. In the village of Pontiac, in Oakland county, on the summit level of the Clinton and Kalamazoo canal, it is 336 feet. It then again rises, and at the head waters of Belle river, in Lapeer county, is 414 feet. From this point it gradually falls off, and with a few rills descending on its north and eastern slope, sinks to the level of the beach of the lake. This swell will present but few elevations above the actual surveyed levels, exceeding fifty feet, and these knobs, where present, are located without design, and without uniformity of range.

On the line between Oakland and Livingston counties, a branch diverges to the northwest, giving rise to the Red Cedar, Looking-glass and the Maple rivers, on its western declivity, while the Shiawassee rises at the point of divergence, and runs northwardly parallel to its eastern side. The lowest pass across this swell is 95 feet above Lake Huron. Leaving this point and ascending to township 10 north, of range 5 west, its course is changed to the north, and it rises to its greatest elevation at the sources of the Maskego river in Lake Otisco, in town 2 north. From an inspection of the map an apparent design appears to have marked the future communication between Lakes Huron and Michigan, from the broad and deep indentation of Saginaw bay over this narrow and low pass.

From the dividing swell, the country lies in one plane on each side, inclining gently and uniformly to the margin of the lakes, with the exception of a slight corresponding elevation on the western side of the state. This may be traced from the great bend of Grand river to where it crosses the Kalamazoo west of

that village ; thence curving with the shore of the lake, terminates at the South Bend, where it diverts the St. Joseph river through a part of Indiana. Its average height at Grand river is 80 feet, 200 at Kalamazoo, and 75 at South Bend, above the level of the surrounding country. It need not be stated that the interior peninsula lakes partake of the highest elevation, when reference is had to their being situated at the sources of all the rivers, and that the summit in Oakland and Livingston counties abounds with the greatest number.

From tables in which I have collated the elevation of places, I have selected a few remote from each other, which may serve to show the uniformity of the surface generally. Conclusions from this table cannot be drawn, however, in detriment to the healthy and rapid, and not unfrequently precipitous flow of all our streams.

Outlet of Grass lake, Jackson county,	377 feet.
Village of Barry, do do	362
Head of Spectacle lake, Calhoun county,	373
Head of Mill creek, St. Clair county,	368
Kalamazoo river at Albion, Kalamazoo county,	351
Sandstone creek, Jackson county,	347
Outlet Gillet's lake, do	354
Village of Newberry, St. Clair county,	284
West end Prairie Ronde, Kalamazoo county,	278
Rice creek, near Marshall, Calhoun county,	280
Honey creek, Washtenaw county,	286
North Branch Raisin river, Lenawee county,	276
Hasler's creek, Lapeer county,	265
Geddes, Washtenaw county,	220
Flint river, at Lapeer, Lapeer county,	238
Huron river, Dexter, Washtenaw county,	232
Old Fort Holmes, Mackinaw,	219
Kalamazoo river, near Augusta, in section 35, town 2 south, range 9 west, Kalamazoo county,	187
Branch St. Joseph, 30 miles south section 35, town 6 south, same range, St. Joseph county,	187
Kalamazoo river, Kalamazoo village,	154
Thirty miles south southern railroad crossing, St. Jo- seph river, St. Joseph county,	133
Shiawassee river at Owasso, Shiawassee county,	145
Fort Mackinaw, Mackinaw,	150.
Cliff, Robison's Folly, Island Mackinaw,	126
Ypsilanti, Washtenaw county,	130

Bank of Lake Michigan, New Buffalo, Berrien county,	100 feet.
Huron river, at Ypsilanti, Washtenaw county,	100
Paw Paw river, Lafayette village, Van Buren county,	106
Brush creek, near Mason, Van Buren county,	76
Bank of Galien river, ten miles east New Buffalo, Berrien county,	74
Stoney creek, crossing northern railroad, Ionia county,	82
Mouth Maple river, Ionia county,	56
Basas river, crossing northern railroad, Ottawa county,	56
St. Joseph river, at Bertrand, Berrien county,	53
Half way house, Wayne county,	54
Crossing southern railroad four miles west Monroe, Monroe county,	49

A fact may also be inferred from the collated levels, that the average height of the peninsula is 160 feet above the surface of the lakes.

Maps, &c.

Much of my time has been occupied, as will be observed, in making collections preparatory to the final publication. They are intended to embrace the geology as well as the topography and geography of every section of the state. Twenty counties are in a state of great forwardness, five of which may be said to be finished in detail, viz: Wayne, Monroe, Jackson, Eaton and Ingham. It was thought unimportant to enter into a description of these in this report, as during the next year a large number will be added, and a report including the whole will then be made. Drawings will also be given of such remains of ancient works and tumuli as are scattered through St. Joseph, Kalamazoo and some other counties. These are more rare in this, than in some of the states south and west; sufficient evidences remain, however, of a former population, remote to the oldest traditions of the inhabitants. The time is not distant when the curious will be gratified with the system they pursued, and the facts it unfolds relative to the uses for which so much labor has been expended by an ancient people, upon the different structures found in the west. Public attention is being directed to their developement, and when the position and dimensions of those that remain shall have been determined, elements for a history will remain, as perfect as may be collected in the absence in part of tradition or written documents.

Here let me publicly acknowledge the hospitable intercourse of the citizens of the state, and the polite regards of gentlemen in

the different public offices, in affording every facility, and giving access to the records in their charge.

S. W. HIGGINS,

Topographer of the Geological Survey.

Detroit, 2d February, 1889.

(No. 4.)

Report of C. C. Douglass, Assistant Geologist.

To DOUGLASS HOUGHTON, *State Geologist.*

SIR: I have completed the detailed survey of so much of the district which you assigned me, as is embraced in Ingham county, together with a portion of Eaton and Jackson counties. Much time having been occupied in tracing and examining the coal formation, in order to arrive at satisfactory conclusions as to the probable extent of this valuable deposit in the district, it is thought advisable to defer the report of a part of Eaton and the whole of Jackson county, until the work shall have been more nearly completed. The examinations of the coal district resulted in the collection of many important facts, some of which cannot be properly made use of until more extended examinations have been made. But it may be observed, that these have been sufficiently satisfactory to place beyond doubt the existence of this valuable substance in sufficient quantity to be of much prospective value to the state.

The maps of the counties under consideration, have been found to be exceedingly incorrect, and in accordance with your instructions, I have been able to accomplish much towards correcting the numerous geographical errors upon the maps, now being constructed. These, according to your instructions, having been transferred to the topographical department, can only be generally noticed in this report.

One of the most prominent characters of the county under consideration, when compared with the more southern counties, is, its remarkable uniformity of surface. Although the whole country may be considered as gently undulating, it has no great irregularity of surface, except in those sections traversed by streams, where gorges, frequently of considerable depth, are sometimes found.

Occasionally some few isolated hills and ridges are seen, but they, with a few exceptions, are hardly worthy of notice. In township three north, range one east, a series of isolated ridges commences on section thirty-four, and extends in a northeast direction, across sections thirteen, twenty-three, twenty-four, twen-

ty-six and twenty-seven, having an altitude of from twenty to eighty feet.

A second and nearly parallel elevation was noticed, commencing on section three, in the same township, and extending to section thirty-four, in the adjoining town, having an elevation varying from twenty to forty feet.

A third commences in the south part of Vevay, and extends in a northwest direction, nearly through the town, varying from ten to eighty feet in height. At the village of Mason, the Sycamore creek passes through a ridge of diluvion composed of stratified coarse sand and pebbles, slightly united by a calcareous and ferruginous cement.

About three-fifths of the county of Ingham consists of timbered land, while the remaining two-fifths are oak openings and plains. That portion of Eaton county embraced in this report consists of timbered lands.

Timber.

The timber upon the less elevated bottom lands extending along Grand river consists of sycamore, black ash, elm, black walnut, &c. Upon the inclined uplands, connecting the bottom with the table lands, a general mixture of the usual hard wood timber is found.

The table lands are mostly timbered with the varieties of oak, beach, maple, lynn, hickory, cherry and whitewood; with sycamore, butternut, black walnut and elm on the margins of the streams.

Ingham county occupies a very central position in the state, and possessing as it does a rich soil, valuable quarries of sandstone and extensive deposits of bituminous coal, it promises to become one of the most important counties in the state.

Soil.

The prevailing soil of Ingham county and that part of Eaton county lying in township four north, ranges three, four, five and six west, is sandy loam and loamy sand over an extent of more than seven-eighths of the surface. Limited tracts of a stiff loamy clay, with occasional hillocks and ridges of fine yellowish sand, occur, and were observed more especially near the small lakes and streams.

Beds of sand and gravel are sometimes seen to alternate with those of loam and marly clay in such a manner that a field of a few acres may exhibit almost every variety of soil, from a fine sand to a stiff marly clay.

The art of the farmer may be here put in requisition to modify the natural texture of the different soils, and fit them to receive nutritive and stimulant manures with the greatest advantage. The stiff heavy clays may be dressed with sand and the light soil

with loam or clay, (marly where it can be obtained,) with a view to transform the whole into a loam of such a texture as to make a pulverulent soil, and yet leave it sufficiently argillaceous to retain a desirable quantity of water. Yard manure, composts mixed with lime, ashes, and muck of the marshes and swamps, if thrown into heaps with quick lime and allowed to undergo a more perfect decomposition, would make a valuable manure for the light soils. Lime is essential to the fertility of the light soils, and as shell marl is within the reach of nearly every farmer, it being found in many of the lakes and marshes, no reason can exist why these light soils may not be made and retained of the most fertile character. The marl may be taken from the pit in the fall and winter or at any leisure season, and spread over the land in the same manner as fine yard manure. Experience must determine the quantity best adapted to each particular soil.

The marly clays of Ingham and Eaton counties may be employed with advantage on the light soils, for they will not only add consistency to the soil, but will also furnish the necessary lime.

Marshes and Swamps.

Many extensive marshes exist in both Ingham and Eaton counties, and probably may be said to extend over an area of about one-ninth of the surface. Many of these marshes have originated from the stoppage of water in the streams, having been dammed by the beaver, which formerly existed in the country in great numbers.

Two marshes of this character commence near the south line of township two north, range one east. That on the west of the township, extends in a northeast direction nearly to the corner of town three, having a length of twelve miles and an average width of eighty rods.

The one on the east extends north two to three miles into the adjoining township, having a length of seven miles and an average width of half a mile.

A vegetable deposit of from one to eight or nine feet thick, frequently tremulous when wet, occurs in many of these marshes. This deposit is mostly underlayed by marly clay, which is sometimes covered to a slight depth with sand and gravel, and in some instances with shell and tufaceous marls. This vegetable matter, being imperfectly decomposed, forms a light fibrous peat.

A large majority of these marshes can be readily drained, and will, by proper culture, become fertile meadows or even arable lands. Many of them when filled with water are tremulous. Most of the swamps and marshes are covered with a luxuriant growth of sedge, tamarack and cranberry vines.

Springs and Wells.

Most of the springs and wells in these counties furnish water containing the salts of lime, and constitute what is termed hard water. The country is generally well watered, though during the past season, owing to the drought, some portions were nearly destitute. Along the vallies of the streams and through the whole extent of the sandstone formation, water is abundant, rising to the surface in springs, and collecting in the low grounds, forming numerous small streams.

In the township of Onondaga the sand rock occurs at various depths, and water is generally obtained at the surface of the rock, or by penetrating it a few feet. Many of the springs contain large quantities of carbonate of lime in solution, which, as the water comes in contact with the air, is deposited in the form of tufa or a fine pulverulent marl. When the quantity is small, the porous vesicular deposit, called tufa, is found, but when the water is abundant, or the springs rise in a level tract or swamp, it is deposited in the shape of marl.

The most copious springs of this kind are along Grand and Cedar rivers. Nearly all the small streams, as well as most of the lakes and marshes, (which do not originate from beaver dams,) have their origin in springs.

The water of most of the springs noticed, aside from the lime it contains, is remarkably pure and limpid, but occasionally chalybeate springs occur. The springs last mentioned not unfrequently give rise to very limited beds of bog iron ore.

Streams.

Grand and Cedar rivers are the two principal streams in Ingham county; the first watering only a small portion of the western townships, while the Cedar, entering on the east, completely traverses the country.

There are, besides these, numerous small streams, varying from a few links to sixty links in width.

Among the largest of these are the Sycamore, Willow, Mud and Deer creeks, and the east branch of the Cedar river.

It will be noticed by reference to the map, that all the streams have a bearing to the north, excepting the few north of the Cedar river.

These streams furnish the country with a tolerable supply of hydraulic power.

Marl.

An extensive deposit of shell marl was noticed on section fifteen, township one north, range one west; occurring near the source of a small stream. It is chiefly in the state of a compact

sand beautifully white powder, containing an abundance of recent shells. The stream before noticed passes through an extensive marsh, much of which is underlaid by the marl, covered with peat and vegetable muck, of from two to six or eight feet thickness.

Marl also occurs in a basin shaped hollow, on section thirty-three, in the town of Leslie.

I was informed by Mr. Woodworth, that an extensive bed of marl occurs on section thirty-five, township two north, range one west.

Calcareous tufa was noticed at several places in the counties, but not in sufficient quantity to be of any practical value.

Bog Iron.

Several deposits of bog iron were noticed in Ingham county, which, however, are of not sufficient extent to be of any practical value. These were in most cases noticed along the streams, outlets of marshes, and in connection with chalybeate springs.

The most extensive deposit observed in Ingham county, was on section eighteen, township three north, range two east, in the bank of a small stream. It consists of coarse and fine grains, forming masses in the soil, which is of a sandy loam.

A deposit of an argillaceous ochre, was noticed on section twenty-two, in the town of Leslie, covering an area of four square rods, and from a few inches to three feet thick. It is very unctuous, containing but a small proportion of sand and gravel. Mr. Woodworth informed me that he had made use of it as paint, and found it to answer a good purpose.

On section eleven, in the town of Stockbridge, was noticed a deposit several rods in extent, and from a few inches to one foot in thickness, varying from a deep to a light red color, unctuous, and containing sand and gravel in small quantity.

Another deposit was noticed at the outlet of a marsh, in the southwest corner of Onondaga.

Crag.

On section three, township four north, range three west, in the bank of Grand river, sand, cemented with calcareous matter, occurs, and has been mistaken by the inhabitants for a ledge of sandstone. It has an elevation of fifteen feet, but is not extensive. It is covered with a light colored clay soil. The sand from which the crag is formed is considerably extensive, and will afford a good sand for mortar.

Boulders.

Primary boulders were noticed at numerous points in these counties, particularly along the streams, where they occur in great numbers.

Boulders occur more frequently upon the surface of the plains than on the timbered lands. They are not unfrequently seen in great numbers upon the summits of the most elevated hillocks and ridges.

On section thirty-one, township four north, range two east, several small angular boulders of light colored limestone, containing fossils, were seen.

Clay.

Blue and variegated clays, inferior in quality, are not unfrequently met with in Ingham and Eaton counties. A variegated marly clay, of fine texture, was observed on the west side of Pine lake, and will afford an excellent manure for the light neighboring soils.

An analysis of two hundred grains of this clay gave the following results:

Carb. lime,	66,00 gra.
Alumine,	120,00
Silex,	14,00
	<hr/>
	200,00

This bed of clay has been found to be twelve feet thick at a well on the west side of Pine lake, and to repose on fine sand.

Clay was again noticed on section thirteen, township four north, range two west and two east, in the banks of the Cedar river. This clay contains only a small portion of lime, is free from gravel, and will afford a tolerable material for brick.

Blue clay, containing gravel and pebbles, occurs at intervals along the banks of Grand and Cedar rivers.

Clay suitable for brick was observed in the town of Leslie, near the village of Leslie. In the town of Stockbridge, on section eleven, clay that will afford a good material for brick was also noticed.

Building and Flagging Stone.

The great sand rock formation embraces the only rock found in place in Ingham, and the north and east parts of Eaton counties. It is exposed at many points along the Grand and Cedar rivers, forming in some cases, perpendicular cliffs. It is also seen at a distance from the river; in the beds and banks of the small streams. At many points in the county the rock is found covered by only a slight depth of soil, and it may reasonably be supposed that as the settlement of the county advances, the rock will be found to approach sufficiently near the surface for quarrying, at many points where it is now wholly unperceived.

Southwest from the mouth of the Cedar river, on section nine-

teen, a compact, grey, calcareous sandstone occurs in the bed and banks of Grand river.

An analysis of this sandstone showed it to be composed of

Siliceous sand with mica,	60,00 grs.
Calcareous matter,	40,00

100,000

Embraced in this micaceous sandstone is a compact, white, quartzose sandstone, cemented with lime. Both these varieties of sandstone will afford a valuable material for building. The upper portion of the calcareous sandstone is composed of thin layers, which would answer a valuable purpose as a flagging stone.

In the southwest part of township three north, range two west, a sandstone well adapted for building purposes, was noticed in the bed and bank of Grand river. It is regularly stratified, the layers being from two inches to twelve inches in thickness. It may be quarried in blocks of several feet superficial extent. It contains numerous remains of extinct plants. This rock is analogous to the calcareous sandstone near the mouth of Cedar river.

In the town of Onondaga, Ingham county, on sections seven, twenty-eight and twenty-nine, a coarse, quartzose, micaceous sandstone was examined, some portion of which will afford a good building material.

On section thirty-six, township four north, range two east, in the bed and banks of the Cedar river, a white, coarse grained, micaceous sandstone occurs. It is friable when first taken from the quarry, but hardens upon exposure to the atmosphere.

This out-cropping edge of sandstone embraces a bed of bituminous shale and coal.

An out-crop of the sandstone was examined in the bank of Deer creek, near the surveyed line of the canal, on section fourteen, township three north, range one east, Ingham county. This sandstone resembles, in appearance, the calcareous sandstone at the mouth of the Cedar river, is very much shattered, and some of the blocks have nearly a vertical position.

Sandstone was again noticed on section twenty-two, town of Leslie, and is apparently well adapted to economical uses. It resembles in texture the sandstone at Napoleon.

Sandstone of a friable nature was noticed on sections sixteen, twenty and twenty-one, in the town of Vevay, from one to two miles south of Mason. The quality of the stone cannot be well known until excavations are made.

Sandstone also occurs on Grand river, Grindstone and Coal creeks, in Eaton county, in mural walls of from ten to forty feet in height, and extends along each of these creeks for the distance of a mile, and along Grand river for a distance of from one and a

half to two miles. These sandstones embrace a succession of coal, fissile shale and iron ore. They also contain many remains of plants.

Some portions of the sandstone will afford a good material for building, as also for grindstones.

On section twelve, in the same township, forming the bed of Grand river and occasioning a strong rapid, is a fine grained sandstone cemented with lime, and characterized by the appearance of numerous vegetable impressions.

A good material for building and grindstones, and embracing a bed of bituminous shale, was noticed in the bed and banks of Grand river, on section twelve, town one north, range three west, Eaton county, and section seven, town one north, range two west, Ingham county. It extends north along the valley of the Grand river into the adjoining township. It is here overlaid by a thin bed of coarse red sandstone that has an irregular dip of about four inches to the foot.

Coal.

The whole rock formation of Ingham and Eaton counties may be referred to the coal bearing series, and several beds of this material, which may be looked upon as valuable, have been examined. The level and unbroken character of the country which brings the rocks but rarely to the surface, together with the disintegrating nature of the rock, (the latter serving to cover those edges, which under other circumstances, would be exposed,) render it difficult to follow these beds in a continuous manner, but no doubt can be entertained but they exist over a large area of the counties.

The most extensive beds of coal were noticed in township four north, range one and two east, in Ingham county, and ranges three and four west, in Eaton county.

Coal also occurs in the valley of Coal and Grindstone creeks, and on section three, ten and eleven, on Coal creek. The coal is here comprised in four beds, having a thickness of four, ten, twelve and twenty inches, and neither bed exceeds two feet at any one point.

It was examined at several places along the table lands, and in the bed of the stream, for a distance of one and a half miles, where in consequence of its dip, I was unable to trace it further.

The coal is embraced in a succession of fissile shales, and compact and friable sandstone, varying in thickness, from five to forty feet. I was enabled to remove several bushels from the different localities, that proved to be highly bituminous, and of very good quality, though occasional pieces were observed slightly contaminated with iron pyrites. It ignites easily, burns with a light flame, and leaves only a small quantity of earthy residue.

The coal on Grindstone creek is a continuation of the coal on Coal creek, and was traced in the immediate vicinity of Grindstone creek, across the eastern parts of section three, ten and eleven, where a part of the coal had but a thin covering of soil, making a distance along the stream of one and a half or two miles. The coal here consists of a single bed, having an average thickness of eighteen inches, and at no one point, exceeding two feet. Other beds of small extent, were noticed along the same stream.

In the north bank of Grand river, in township before mentioned, a thin bed of coal occurs, having an average thickness of three inches, and not exceeding six inches at any one point. This coal, which is also embraced in a succession of fissile shale, compact and friable sandstone, varying from ten to thirty-five feet in thickness, was traced across section two, three, ten, eleven and twelve, where in consequence of its being covered with debris, I was unable to trace it farther.

A bed of bituminous coal, more than two feet thick, of a superior quality, in town four north, range two east, occurs in the bed and bank of Cedar river, Ingham county. It was traced along the stream, for nearly half a mile, where, in consequence of its dipping below the stream, I was unable to trace it further. This coal is overlayed by a broken down sandstone and fissile shale, varying in thickness, from five to ten feet. In consequence of its appearance in the bed of the stream, and the friable condition of the sandstone, I was enabled to remove several bushels of coal, which proved to be bituminous and of an excellent quality, containing but very slight traces of iron pyrites. It is compact, has a glossy lustre, ignites easily, burns with a light flame, and leaves only a small quantity of earthy residue.

I was informed by Mr. Haden, that in excavating to repair Mr. Ingersol's mill, on the north bank of Grand river, in township four north, range three west, coal was penetrated upwards of a foot. The coal has a covering of coarse sand and pebbles, twelve feet thick. Some of the coal was examined, which proved not inferior to that on Grindstone creek, Eaton county.

I may here be allowed to express my obligations to many gentlemen, for the information which they have rendered, and hospitality which has been extended to me.

COLUMBUS C. DOUGLASS,
Assistant Geologist.

Detroit, January 28, 1839.

(No. 5.)

*Report of Bela Hubbard, Assistant Geologist.**To DOUGLASS HOUGHTON, State Geologist.*

SIR—In compliance with your instructions, entrusting to me the geological supervision of the counties of Wayne and Monroe, I completed, late in the season, a detailed examination of those districts, the most prominent results of which are now submitted. It is hardly necessary to add, that as the annual reports are designed to embrace only subjects of immediate utility, considerations of a theoretical nature have been avoided.

Collections as extensive as was practicable, and which illustrate the subjects treated in the report, are deposited in the cabinets attached to this department.

In the furtherance of your plans, much attention has also been bestowed towards a correction of the minute topography of the country; a task rendered peculiarly difficult in the older counties, on account of the imperfections of the original surveys. It is however believed, that sufficient accuracy and completeness have been attained to furnish greatly improved maps of this section of our state.

WAYNE COUNTY.

Topographical Features.

Nearly the whole of Wayne county is included within that portion of the peninsula, constituting its eastern border, in which no considerable prominences occur, and the descent to the coast is gradual and uniform. In this county, consequently, if we except the township in its northwest corner, the general level is varied only by gentle undulations or isolated sand ridges, forming no continuous ranges, and seldom exceeding the relative height of 20 feet.

The greatest elevation of coast from Milk river point on the St. Clair, down to the Rouge, is about 20 feet; from the Rouge to the mouth of the straits, 10 feet.

Along the whole eastern border of the county, the altitude attained at distance of six miles from the coast, varies but little from 33 to 36 feet. At a single point only, in the vicinity of Detroit, it attains to 45 feet above the river; the general level of the table land at this place being about 26 feet.

A portion of this belt, three miles in width, extending through the towns of Hamtramck, Greenfield and Springwells, falls from the general level and is proportionately wet. Below the Rouge this belt becomes intersected by wet prairies, extending over the west half of Ecorse to the Huron river.

Throughout that portion of the county comprised in the belt

above mentioned, the streams flow with but moderate current, have generally deep channels, and frequently spread into broad marshes near their embouchure, and even in high stages of the water, to the distance of several miles inland. These borders of marsh alluvion are frequently many acres in extent; as at Grand Marais of Lake St. Clair; on the Rouge, Ecoree, Brownstown and Huron rivers.

Beyond the belt above described the land rises more rapidly, attaining at the western line of the county to about 140 feet above the straits. The streams are rapid and furnish abundant water power.

Two thirds of the county are flat, heavily timbered lands, producing a stout growth of oak, elm, white wood, maple, beech, lynn; (bass.) ash, hickory, butternut, black walnut, &c. Chesnut is found on sandy ridges in the towns of Dearborn and Van Buren. The remaining third is undulating oak openings, or plains interspersed with wet, grassy prairies; the latter obtaining a proportion of about one-fifth. The proportion of actual swamp is small, and probably little or none exists that may not be reclaimed by a course of drainage properly conducted.

Soil, and Agricultural Character.

Clay and sand loams constitute the soils of the timbered land. These occupy nearly equal proportions of surface and often alternate within short distances. The former derives its character from a bed of yellow or brown friable clay, which reposes upon the extensive blue clay deposit immediately overlying the lime-rock.

Clay is reached throughout the portions characterized by sandy soil, at a depth of from 5 to 12 feet.

The upper clay has an average thickness of 5 feet. The lower clay is of a variegated blue color, gravelly, and intersected by layers or strata of quicksand and gravel. This clay sometimes approaches the surface, as in the vicinity of Detroit. Its average thickness must exceed 100 feet.

These soils are excellently adapted to agriculture. Silex enters largely into their composition. Both clays generally contain a large portion of lime,* which adds to their fertility. The contained gravel assists to conduct away the surface waters and prepare the ground for tillage, while the retentive powers of the clay render it little liable to suffer from drought. Thus, while the sand loams may be cultivated to wheat and other grains, the

* An analysis of 100 grains of the clays, taken at random, showed—

	<i>Upper Brown Clay.</i>	<i>Lower Blue Clay.</i>
Sand and siliceous matter,	51.50	27.50
Alumina,	29.95	52.30
Carb. lime,	18.55	18.98
Oxide iron,	00	1.33

greater portion of the clay lands is natural meadow, adapted to grazing. Its value for this purpose is beginning to be understood, and it is probable that were its merits fairly tested by a system of dairy farming, it would prove productive of a profit to the husbandman, second to none in the state.

The sandy oak openings and plains are generally productive. They possess the advantage of being easily tilled, and are well adapted to grain and root crops. Some portions produce good wheat. This soil contains only a minute proportion of lime.

No part of the county can be said strictly to have a limestone soil. The great limerock formation approaches the surface at several points in Brownstown and Monguagon, but is in general too deeply covered by the clays to allow it to characterize a large extent of soil.

In the town of Plymouth, a different character of country prevails from any yet described. This town and part of the two adjoining, may be considered as lying without the border portion of the peninsula, in which I have described Wayne county as included.

This township presents a surface more rolling, and broken into frequent ridges. They rise often from 60 to 80 feet from the plain, with a steep declivity, and having no apparent uniform direction. They are composed of gravel associated at the surface with a clay loam. For the production of wheat, probably this soil is not excelled.

The boundary between the land of this character and the more level tract which constitutes the whole remainder of the county, is strongly marked by a low gravelly ridge, the supposed former shore of the lake. Its course is southwest through a corner of the town of Livonia, entering Plymouth between sections 12 and 13, passing a little to the east of Plymouth corners; thence through section 33, into the town of Canton, which it leaves on section 30. As but a small portion of this ridge is found in Wayne county, a particular description is deferred to a future report.

Boulders.

No part of the county can be denominated stony. Imbedded in the clays, and occasionally found grouped upon the surface, are water-worn boulders or fragments of the primary rocks. A species of reddish granite predominates, occurring frequently of more than a ton weight. Boulders are found in great numbers in the town of Plymouth, a large proportion being of fossiliferous limerock. Limestone boulders are also numerous in the bed of Huron river, sometimes of large size. Occasional banks of *cobble stones* were found heaped along its sides, of a size suitable for paving.

An interesting locality of boulder rocks was met with at Raw-

son's mills, town of Van Buren. An excavation in the river bank had exposed a bed of limestone and clay-slate rocks, thickly deposited near the water's edge, to the depth of several feet. The slates were often of two to three feet diameter, of dark color, fissile, and containing iron pyrites.

Marshes or Wet Prairies

Comprise extensive tracts; they are of generally similar character, being low portions of the sandy openings that have been subjected to an overflow of water for a sufficient period to allow a deposition of muck or *peat* from vegetable decomposition. This peat supports a growth of wild grass, destined to add annually to its accumulation. Thus what were ponds, become by this process extensive beds of vegetable soil, varying in humidity with the seasons. These beds have a depth of from one to six feet, and upwards.

Indications are apparent which prove that very many, at least, of these peat marshes had their origin in the labors of the beaver, aided by the natural conformation of the surface. They occupy gently rolling tracts, in which ridges of sandy "openings" and detached prominences or *islands* of the same are intersected by long bands of marsh. Nearly all the streams of the border townships head in these tracts, and it is easy to conceive how the portions now converted into marsh might have been flooded by the obstruction of those natural channels.

If this view be correct, the practicability of drainage becomes at once established; and such conclusion is verified by actual results.

The following comprise the principal marshes of the county:

About fourteen sections, two-thirds of which are in the town of Hamtramck and the remaining third in Oakland county, are of the character above described; but not more than one-half this extent is actual prairie. This yields an abundant growth of wild hay. The marsh is now in the progress of successful drainage. A thickness of fibrous peat is disclosed, averaging four feet, succeeded by a subsoil of gray sand, nearly free from aluminous and vegetable matter.

Prairie of similar character occurs in towns of Greenfield, Redford and Royal Oak. It covers 8 sections, one-half of which is in Oakland county. Comparatively a small portion consists of dry openings, and one half bears a dense growth of small tamarack. Its soil varies in depth from three to six feet, and is in many places so charged with water as to be tremulous. It produces large quantities of cranberries.

Prairies of a different character occur in the lower part of the county, over a surface of 46 sections, of which 18 are included in

town of Ecorce, 11 in Brownstown, 7 in Romulus and 10 in Huron.

Branches of the Ecorce and Brownstown creeks meander this tract. These, flowing with little descent through lines of level prairie, are ramified in every direction, and form a net work or connected chain of marshes over the whole surface. The dry portions consist of sandy plains, frequently but little elevated above the surrounding marshes, and producing a scattered growth of yellow and white oaks. They sometimes assume the form of ridges, which continue unbroken for many rods, and without any uniform direction. The marshy portions, which generally predominate, have a soil of black muck, intermixed with sand washed from the adjoining plains, averaging 2 to 3 feet in depth. This is covered by a few inches of light, fibrous peat. Subsoil is sand. In a few instances clay was found approaching the surface, and it undoubtedly underlies at no great depth.

Wild hay is cut on these marshes in considerable quantities.

According to reports of the Indians, beavers disappeared from this region thirty years ago. Their numbers previous are said to have been incredible.

Few trials have been made in drainage. A shallow ditch, or even a passage cut through a beaver dam, has in two or three instances effected great improvement. I observed vegetables growing upon a piece thus ditched, and it is said that wheat succeeds well.

This tract is owned mostly by "non-residents." Several untenanted houses gave evidence that a few families who had commenced a settlement have deserted to more favorite spots. Ditching had not been attempted. The expense of this kind of improvement is comparatively small, and I do not doubt that were less than half the ordinary labor in "clearings" bestowed upon a course of drainage, these lands, instead of their present little estimation, might soon be accounted amongst the most fertile in the state.*

In the southeast quarter of range eight east, town of Huron, marshes occupy, it is supposed, two-thirds of the surface. They have a peat soil, averaging two feet, but occasionally much deeper and inclined to bog. Cranberries grow abundantly. Branches of Swan creek meander this tract in such manner as to facilitate drainage; and the comparatively dry character of a large portion will render the cost of ditching moderate.

Smaller marshes occur in the county, though not frequent, and of little general account.

* Ditches may usually be cut, of 3 feet wide by 2 deep, for from two to four shillings per rod; perhaps less. The main ditches of the extensive marshes in Hamtramck, owned by Judge Conant and others, are 6 feet by 4, and cost \$1 per rod.

Encroachments of the River and Lakes.

Extensive damage has been occasioned by the unusual height of the lake waters during several past seasons. From the St. Clair to Huron river, the coast, which is mostly gravelly blue clay, with alternations of sand, has been abraded to such an extent, since 1835, as to remove the entire line of coast, where unprotected, several yards to the westward. Along the coast of Hamtramck, above Detroit, scarcely a vestige of the old river road remains. Near Milk river point the waters are said to have advanced inland 150 feet within the past two years. Below Detroit the depredations upon the coast have been less severe, but sufficiently so to render a portion of the road below the Ecorse unserviceable, and deprive the already narrow turnpike above of several yards of its width. Along the Gibraltar front, at the mouth of the straits, where the bank is from 6 to 10 feet in height, the waters have advanced 10 feet inland.

This abrasion of the coast has been in progress not only for the past two or three seasons, but to some extent through the fluctuations of level in the lakes during a much greater term of years. While the configuration of the straits preserves the Canada shore in a great degree from erosion by the current, its whole force is felt upon the western coast; a much greater abrasion being prevented only by the low and shelving character of a large portion.

From the same cause the marshes bordering the shores have been greatly extended. Many acres of former arable land, both in Wayne and Monroe, are now embraced by the waters. Numbers of orchards, the growth of a century, have become a prey to the flood, and families of the old French inhabitants are driven from homes till now occupied from childhood. The United States road from Detroit to Monroe has been rendered impassable at no less than three points, and the travel forced into other and circuitous routes.

Leaving to an abler pen the investigation of the causes of this unprecedented rise, it may not be amiss to notice, briefly, such remedies as have been tried, or may be proposed to check the devastations occasioned by it. Should those causes continue to operate in maintaining the present elevation of the waters, the subject will become of vast importance to the interests of this portion of our state. Every foot of coast now suffered to waste away, involves a loss much exceeding that already sustained. The inconvenience now felt from the diminished breadth of the river road below Detroit, calls for one of two remedies; either the road side must be protected by a dock along nearly its whole extent, or a new and broader road must be opened in the rear and beyond such a probable future contingency. The former

method, owing to its expense, will, it is presumed, never be resorted to by public authority, nor by individuals to much extent.

Although the erection of docks is undoubtedly the only permanent protection, more simple remedies may to some extent prove of avail. Quantities of brush, strewed thickly along the exposed bank, afford a considerable protection against the direct force of the waves, and also aid, by the retention of the sand and gravel brought up, to form a beach along its foot. A heavy log or fallen tree, placed at right angles to the shore, serves to accumulate a beach, and thus often affords protection.

These remedies are not invariably successful; but they are easily attainable, involve but small expense, and will be properly estimated if they tend to preserve even a small portion of the wealth of the landholder from the devouring wave.

Clay.

Clay suitable for bricks and pottery, is found at numerous places in the county, though the value of much of it is deteriorated by the presence of lime. The manufacture of bricks is conducted at several points.

At Springwells a brick yard has been established for several years. The clay used is from the blue clay deposits, and is tolerably free from grit. The sand is taken from a cap or hill lying above the clay, with strata of gravel interposed. The bricks find a market at Detroit. About 500,000 are manufactured annually, worth \$5 00 per thousand.

A superior clay for brick is found in the banks of the valley of the Rouge, and several kilns are established in the towns of Springwells and Ecorse. At a yard belonging to Mr. Abial Wood, on the south side of the river, (farm No. 661,) the clay employed is of a light blue color, free from grit. It improves with the excavation. At depth of six feet, I observed it of a lighter color, sometimes veined with white. About 300,000 bricks were manufactured this season.

At a yard of Mr. Wood, on the opposite side, about the same number have been made. This yard has been established three years. The blue clay is used, and is said not to improve with the depth. The overlying yellow clay is considered inferior. A cap of sand overlies, of 2 to 4 feet.

Two adjoining brick yards have manufactured about the same number each;—an amount this season less than usual, on account of the prevailing sickness.

A fine blue clay appears near the river bank at Flat Rock, from which brick is made. Its quality is said to be impaired by lime. About 500,000 have been burned.

At Morris', three miles above Mt. Pleasant, a brick yard is

commenced—clay said to be of good quality. The yard is on the summit land adjoining the river, at a height of 50 feet.

Two yards are established on the middle branch of the Rouge, in the town of Nankin. At Wilkinson's, near Schwarzburg, clay appears in a stratum running along the bank, and is here two and a half feet thick. Portions contain too much lime to be used with advantage. Good bricks are manufactured of the clay taken from the river bottoms, at Swift's, section 11.

A bed of clay occurs in town of Plymouth, section four, from which bricks and earthen ware are manufactured. It consists of strata of the blue and yellow varieties, underlying probably 8 acres, with an average thickness of 4 feet. A cap of sand, of 2 feet thickness, overlying, is used in the manufacture. Sand and gravel underlie the bed of clay, which are unfit for use from the lime contained. The bricks are of good quality; 100,000 were made this season, worth \$5 00 per thousand. The pottery ware receives a good glaze, and is durable.

A bed of clay exists west of Plymouth corners, section 27. It is supposed to cover 80 acres. Considerable lime is contained; 500,000 bricks are made from it each season.

A bed of fine blue clay exists on section 11. The above were the only deposits observed in this township.

Blue clay appears at the surface in the town of Canton, which is free from lime.

In the town of Huron a fine blue clay underlies the low lands bordering Swan creek, at small depth, and frequently comes to the surface.

The blue and yellow clays make their appearance at every bluff along the Huron. They are in general very marly and seldom free from grit. A kiln was erected in a ravine of Woods' creek, section 36, Van Buren, but the clay proved so calcareous that the works were abandoned.

Limerock.

The great limerock formation, upon which the clay deposits of the county rest, makes an *out-crop*, or appearance at the surface, through the townships of Monguagon and Brownstown. It forms the bed of the strait near its mouth, as well as a foundation to the islands.

The most easterly point at which the rock appears above the level of the water, is at Stony island. This is wholly constituted of the rock, covered by only a few inches of soil. Limerock was formerly quarried upon this island, as is testified by numerous pits, but the fractured surface stone only appears to have been removed. These fragmentary blocks seldom exceed a foot diameter, are of a white color, compact, and afford good lime. The

island is but little above high water level, and the pits are now flooded.

Quarries have been opened at the lower end of Grossa Isle. The rock makes its appearance in a slightly elevated ridge, at some distance from the shore. Trenches are opened for quarrying in no place more than 5 feet deep. The upper layers are of a few inches thickness, removable in irregular pieces of a size suitable for rough building. One of the trenches exposes a stratum of 8 feet thickness, for the distance of 300 feet. This stratum is compact and may be broken out in nearly square masses.

Sulphate of strontian, in large crystals, is abundant in the upper layers. No fossils were discovered.

In section seven, of Monguagon, is a protrusion of the rock in a ridge, occupying a surface of a dozen acres. Quarries have been extensively worked, chiefly for lime. The rock is in a strata of from 6 to 10 inches thickness, of gray color, crystalline, and eminently fossiliferous. The quarries have extended to the depth of 6 feet. The color of the stone deepens into blue, and its hardness increases with the depth. Calcareous spar is contained in crystals, lining small *geodes* and *fissures*. Thin layers of indurated bituminous matter, approaching coal, are contained between some of the strata. The largest masses of stone observed to be quarried in good condition, were two feet in length by about eighteen inches wide. Whether larger slabs might not be obtained by proper care, I was unable to learn. It is fully equal in beauty to the much admired building material brought from Ohio, but its superior hardness renders the dressing and polish much more expensive.

From 9,000 to 12,000 bushels of lime are manufactured annually at this quarry.

Limerock makes its appearance in Brownstown creek, one and a half miles west from Gibraltar, and has been used to a very limited extent for domestic purposes.

Rock is said to appear at the water's edge on the lower end of Coleron island.

Limerock forms the rapids in the Huron at Flat Rock. It appears in a smooth, almost unbroken bed, for the distance of forty rods, forming a foundation to the dam above, and disappearing in deep water below the mills. The rock is of dark gray color, occasionally porous. A specimen contained hornstone.

Rock was also occasionally found forming the bed of the channel from Flat Rock till within two miles of Mt. Pleasant, and large tabular masses, but little worn, appeared even farther up, proving the existence of rock in places at no great distance.

A very slight general dip in the limerock of this county, north-westerly, is observable.

Marl.

The only deposits of shell marl known to exist in this county in sufficient quantity for economical purposes, are in the town of Plymouth. The following deserve notice :

On section 22, (at Deacon Purdy's,) is a small deposit, which occupies two-thirds of an acre. As other beds occur in the township of similar origin, it may be advisable to notice the circumstances of its formation. Upon a gentle slope a protuberant bog has formed, which is wet and slightly tremulous. It consists of peat, or vegetable matter, having a depth of about 3 feet. Below this is found the marl, which has here a thickness of from one to three feet. It is a plastic substance of a milky gray color, perforated by roots, and may be cut out in masses like clay. The presence of lime is indicated at the surface by a calcareous deposit upon moss.

Beds thus formed originate chiefly in deposition from water of springs highly charged with lime ; circumstances under which *tufa*, or indurated deposits of lime, usually occur. Lime is favorable to the formation of shells, which are generally associated in abundance, but do not constitute the bed as when it occupies the former bottom of a lake. Several species of the genus *Helix* (snails) are most numerous, with *Lymnea*, *Planorbis*, &c.

As the producing causes are still in operation, marl existing under these circumstances may be supposed still in progress of formation.

Eight hundred bushels of lime have been manufactured at this bed. Much of it beautifully white and of good quality.

The marl furnishing this number of bushels was taken from an area of three square rods. Should the deposit cover but half an acre, with the depth of a foot, (a low estimate,) the amount of lime it is capable of furnishing would be 21,333 bushels. Five hundred bushels of the lime cost in the digging and manufacture 57 days' labor. Reckoning these as so many dollars, and the lime at two shillings per bushel, (average price,) there will appear a profit of more than one half the price brought by the article.

On the farm of Caleb Herrington, Esq. sections 5 and 8, a very extensive deposit was exposed in digging a drain to remove the water from a tamarac swamp. At several places a pole was thrust into the bed, without passing through, to the depth of six feet. From the indications apparent, I am led to believe that the entire area of the swamp (30 acres) is underlaid by the marl. It is compact, heavy and plastic. This marl is well adapted to the manufacture of lime, but has not yet been applied to that purpose.

On land of Sylvanus Taft, section 4, is a bed of an acre or more in extent, with an average thickness of two feet. It is compact

and of good quality. No lime has been manufactured, but much of it used in its natural state, by the neighbors, for plastering and whitewashing, is said to have fully answered the purposes of kilnburnt lime.

Numerous other indications of marl occur through the township. A bed is said to exist on section 27. Also on farms of Mr. Holmes and others, probably to a small extent.

A small bed was found on land of Wm. Yerkus, section 2.

Upon the surface of a knoll at Waterford, a considerable quantity of a dry pulverized marl was observed.

On the farm of Pitz Taft, on the base line, within the boundary of Oakland county, is a deposite which may be noticed in this connection. It covers two acres, with an average depth of six feet. It is a tufaceous shell marl, in coarse particles, with a stratum of tufa underlying, and occurs under circumstances similar to those of the deposite on section 22, first noticed.

Ten square rods have been excavated, out of which were manufactured 3,000 bushels of lime of good quality. It sells at three shillings per bushel.

Assuming the above proportion, the quantity of marl may be estimated at 31,680 cubic feet. The amount of lime which the bed is capable of furnishing, at 96,000 bushels.

Marl, in small quantity, has also been found in town of Canton, section 9.

No experiments have been made in the employment of marl as a *manure*, in this county, nor, so far as I am informed, elsewhere in the state. This is somewhat a matter of surprise, since trials of plaster (gypsum) and quick lime are acknowledged to have produced extraordinary results. It is, however, scarcely known to our farmers that marl, or *bog lime*, may be used with equal profit, while it has the advantage of being obtained at a much cheaper rate. It deserves to be made the subject of immediate and ample experiment, particularly upon sandy soils, and those which are found to contain but small proportion of that essential ingredient, *lime*. This is often the case with the lands in the immediate vicinity of the marl beds.

Peat.

Peat, or vegetable alluvion, is found in considerable bodies in town of Plymouth, overlying the marl, and in the marshes or wet prairies of Greenfield, Hamtramck, Ecorse, Brownstown and Huron. These latter deposites have been already noticed under the head of Marshes.

The greater proportion of peat found in this county belongs to the variety called *fibrous*, being a mere mass of spongy fibres of grass roots, partially decomposed and elastic to the tread. A small proportion is of the *sphagnous*, or peat moss variety. Com-

paratively little is compact, or in a state which would render it of much value for fuel.

A bed in the tamarac swamp on sections 5 and 8, Plymouth, to the depth of five feet, was found to consist chiefly of the kind denominated *ligneous*. It disclosed a half decomposed mass of tamarac logs, with moss, roots, &c. At depth of several feet, I found entire stumps, trunks and limbs of a former growth of timber, retaining their form, but so soft as to yield readily to the spade.

The body of fibrous peat which composes the marshes in Ham-tramck, includes about 1,900 acres; with an average depth of four feet.

The adjoining marsh, in Greenfield and Royal Oak, comprises about 3,000 acres of this deposit, with the same average depth. Probably a portion of this peat is of ligneous origin.

From 3,000 to 4,000 acres of fibrous peat, with average depth of two feet, are contained in the marshes of West Huron.

Of the other smaller deposits of peat noticed under marshes, no estimate could be made.

None of these beds of peat have yet been esteemed of importance as an article either of fuel or manure. The wants of our population do not demand any present consideration of its value for the former purpose. But in the latter capacity, it will be found serviceable and cheap, and it is desirable that fair trials of it be made. It may not prove sufficiently decomposed for the purpose until mixed in the compost heaps and consolidated by the application of quick lime. This disposition of it might be made with peculiar facility where it occurs, as in Plymouth, imposed upon beds of marl.

Bog Iron.

Deposites of bog ore occur in limited quantities at numerous places: their origin being apparent in the presence of highly ferruginous soils.

In the township of Greenfield, deposits of ore occupy a considerable extent, chiefly on sections four and nine, where I traced it at intervals over an area of one half a square mile. It follows mainly the course of two brooks discharging into a large tamarac marsh, on section ten, and embraces the intervening ash swales. It is distributed over this area in beds of a few yards wide and irregular patches. The deposit consists of an exceedingly compact bed of a foot thickness, which is broken out in large masses, and it is mostly of inferior quality, being what is technically known as an *old ore*. This is succeeded by from two to six inches of the variety called *shot ore*, which is apparently rich. The covering of soil is from a few inches to two feet in thickness. This is by far the largest deposit in the county. Time would

not permit a very accurate analysis of the ores of this county, but a more detailed account of their composition may be expected, at a future period, in treating of the other ores of the state. One hundred grains, however, subjected to a rough analysis, gave,

Siliceous and aluminous matter,	26.50
Per-oxid of iron,	73.50

100.00

In township of Livonia, section twenty-eight, bog iron occurs in a low, wet swale, which serves as the outlet to a series of small marshes. The bed follows the lowest portion of the swale for about half a mile, with a width varying from two to four rods, and a thickness of six to eighteen inches. It consists mainly of a bright colored *shot ore*. Peaty muck overlies, of two feet average depth.

Estimating the average thickness of the deposit at one foot, and its width three rods, will show a proximate result of 130,000 square feet of the ore. From the position of the low grounds following the course of the outlet, it is not improbable that other deposits of this mineral may be found below. The ore is a very rich one, and is well deserving a more extended investigation by the proprietor.

In township of West Huron, section twenty, is a small deposit, occupying an area of thirty rods long, by one wide. It forms a compact body six to ten inches in thickness, mostly "dead ore."

On section twenty-one, a narrow deposit of bog ore occupies the bed of a small run connecting marshes. It is similar to the above, and of small extent.

Other indications of ore occur in this township; probably of but little account.

Much of the soil of the township of Plymouth is found charged with iron.

Strong indications also exist in the towns of Canton and Nankin, among the wet prairies of Ecorse and along the bottoms of the Huron, in the township of Van Buren.

Chalybeate Springs

occur in several of the above townships.

One in Canton, section 5, has formed a considerable mound by deposit of calcareous matter from the water.

A spring, much impregnated with iron, issues from the river bank, near Rawson's mills, town of Van Buren.

Sulphur Springs

of considerable strength, occur, but are not numerous.

A very large one rises in the bottom of the Huron, in the Wy-

andot reserve. It occupies a hollow of an oblong shape, 300 feet by 150. The water deposits thin films of sulphur.

In town of Ecorse, section 22, is a spring very strongly impregnated. It occupies a basin of 100 feet diameter. This spring, with the one above mentioned, probably exceeds in strength any others in the state. They are favorite resorts for domestic cattle, as well as for deer and pigeons.

On section 20, town of Dearborn, several sulphur springs issue copiously from the bank of the Rouge. Their waters also contain iron, which imparts an inky color to surrounding surfaces, by combination with the characteristic acid of their vegetable portions.

A spring of considerable strength issues from the bank of the Huron a mile below Flat Rock.

On section 29, Brownstown, a spring, strongly impregnated, rises in the edge of a tamarac marsh, forming a large basin. The stream issuing is sufficiently large to overspread a considerable tract. Indications of salt and lime were present.

Strong sulphur springs abound in the neighborhood of the marshes around Gibraltar. Their vicinity is strongly colored by a milkwhite precipitate.

The source of these springs is noticed under the geology of Monroe county.

Brine Springs.

Springs of brackish water are found occasionally through the northern and western townships; but their position in regard to the true saline district of the state, would probably not warrant the expectation of profit resulting from them in the manufacture of salt.

Several "licks" were visited in the towns of Springwells, Redford, Canton and Nankin; but they contain, mostly, the salts of lime.

A spring, impregnated with saline matter, rises on the bank of the Rouge, in town of Redford, section 27. The discharge from it is about 60 gallons per hour.

In an early state of the country, salt was manufactured here by the Indian and French settlers. A hollow gum was sunk, which has long since rotted away. Furnaces were constructed of brick. An attempt was made a few years ago, at considerable expense, to revive the manufacture. The result was the manufacture of a small amount, half a bushel of which was sold in Detroit as table salt. Sickness occasioned discontinuance of operations, which the diminished price of salt has since rendered unprofitable.

In town of Nankin, section 11, springs occur, at one of which a well is now sinking preparatory to an attempt at salt manufac-

ture. The excavation has proceeded eight feet, being protected by a strong curb of wood. I was informed by the proprietor that an ordinary pail full of the brine produced a gill of saline residuum.

An analysis of 100 cubic inches of water from this spring, furnished in the first annual report of the State Geologist, shewed 38.47 grains of muriate of soda, (common salt,) combined with muriate of lime and other matters. This result exhibits a strength equal to only one-fourth that of the brine springs at Grand Rapids, and less than one-tenth that of the springs of the Tittabawassee, the points at which operations are commenced for the state salt manufacture.

- In regard to the conduction of operations by individual enterprise, we would refer to the whole subject of brine springs as presented in that report. It may thus be seen under what conditions only certain reliance can be had of ultimate success; nor should it appear surprising that expectations, not the result of a thorough understanding of the subject, may end in disappointment.

Water, Wells and Springs.

The county may be considered as in general, well watered, by streams discharging into the straits at intervals of a few miles. Their waters, like that of the lakes, are *soft*. The River Huron alone forms an exception, which passing over limerock and through marly clays, becomes *hard*, or charged with lime.

The early French settlers dug no wells. They clustered about the streams, and partook from those natural fountains. The surface waters thus in most cases obtained, and from streams often winding sluggishly along low and marshy banks, afforded but an indifferent beverage.

Numerous wells have since been sunk, and with various success. The thick bed of blue clay which underlies the county at small average depth, though charged with gravel, is not sufficiently pervious to admit the percolation of large underground streams. For this reason springs do not abound, and a large portion of the water of wells is a mere drainage from the surface. Some springs, however, exist in the clay district, as on the Bloody run. They are more frequent and copious beneath the caps of sand and through the openings, as at Springwells, (La belle Fontaine of the French,) Mt. Pleasant, &c. on the Huron.

But, though the obtaining of water from living springs throughout the clay district, is thus in a degree rendered uncertain, excavations for water have been generally successful. Occasionally copious streams are opened, discharged through *seams* of gravel and sand. Usually water percolates slowly through a gravelly stratum of the clay, and is sweet and pure, and in sufficient quan-

tity for ordinary purposes. Well-diggers assert that such a seam of gravel, at depth of twenty feet, is very general.

These experiments determine: first, that a reasonable prospect exists of obtaining good water by digging; secondly, that a very deep excavation cannot be recommended.

Wells of from five to twenty feet, frequently afford an abundant supply, rising from below: while excavations in the same neighborhood of from fifty to one hundred feet, through a hard, dry, reddish blue clay, yield no water or are filled from the surface. The boring at Detroit, which extended to the depth of two hundred and sixty feet, one hundred and thirty-three feet of which was in rock below the clay, failed to furnish the desired supply. Instances have occurred, however, from diggings in the vicinity of the limereck, of a very copious discharge from an unusual depth.

Much of the bad effects of stagnant water might be avoided by occasional cleansing of wells. A fresh supply should be obtained by thoroughly draining the well of its contents, whenever an approach to putrefaction is perceived.

Might not a quantity of lime or charcoal, whose antiseptic qualities are well known, thrown in, be a useful auxiliary in preserving purity?

No purer water perhaps exists than that of our immense upper lakes, the whole body of which passes through the straits of Detroit. It is exceedingly soft, and in its under current of almost uniform coldness throughout the seasons.

Detroit denied herself the enjoyment of this luxury, when, by an unfortunate policy, the supply that should have been sought in that volume which flows pure and icy cold in the depths of its channel, is transferred to the reservoir from the warm, contaminated surface, at the docks.

A remedy is obtained by removal of the works above the city and the substitution of iron pipes for wood: but it is suggested whether another improvement might not be effected by extending the supply pipe from its present mouth, at five feet below the surface, into the deep recess of the channel.

Plymouth, which borders on the flat clay district, is the only township that abounds in numerous and copious springs of the purest water. Through this tract of broken, gravelly hills, single springs occur sufficient to give rise to considerable streams.

Roads.

The importance of good roads to Wayne county, particularly in the flat clay district bordering on Detroit, has been long felt, and much labor and expense have been bestowed towards their improvement. Nor can the value of a universal highway, passable with safety and expedition at all seasons, scarcely be over es-

minated. The soil of this heavily timbered region, it is true, is but ill adapted to such roads as are required, but great improvements might be effected in their present management.

The importance of the subject will excuse, in these pages, an allusion, though necessarily brief and imperfect, to improvements of this nature; more especially as such only will be referred to as impose no additional expense, but occasion an actual reduction of present outlays to a vast amount.

Heavy taxes are annually assessed for construction and repair of roads. These frequently fall into the hands of men who are ignorant or careless of essential facts, and are appropriated without the oversight of those who are most interested. Or, a requisition is made upon the districts once or twice a year for personal services, on which occasion the whole amount of tax is expended, and the road passes without attention the remainder of the year.

Instead of this inadequate method, we would advise the appointment of a road overseer of at least some practical science. It should be his constant occupation to smooth the ruts and repair every damage as often as they shall occur. A permanent, uniform surface should be preserved. This may be effected by means of a broad road scraper and a few hands, only, employed as an occasion requires. The work will then be more effectually accomplished, and will require less than one half the time, labor and cost ordinarily expended.

In road construction it should be borne in mind, that a liberal breadth is favorable to the preservation of a uniform surface. It removes the necessity for a constant use of the same track; thus such portions of the road are avoided from choice as are otherwise cut into continually deepening ruts and hollows. No small advantage also results in the increased facilities for evaporation due to a wider exposure to the sun and a more free circulation of air, as well as in the convenience of ample sidewalks for foot passengers.

The necessity for free removal of water from the side ditches, by drains, conducting to lower levels, is also an urgent consideration. While these are essential to the perfect accommodation of the soil to agriculture, it is also evident that if the roads are left to dry solely by the slow and uncertain process of evaporation, no continuance of labor can be completely effectual.

It may be important to consider whether the elevated crowning given to some of our roads, be not useless as well as expensive, for the steep sides and uneven draught thus created, force all the travel into the only safe path, at the top of the grade. The Grand river road, which was thus constructed for a few miles, at great expense, is probably in worse condition at all seasons than if the travel were permitted to shift at will over the same extent of more level surface. A rise of one inch in three feet is thought by

the most skilful road engineers more than sufficient for purposes of drainage, and it is evident that as ruts are longitudinal to the direction of the road, an increase of elevation cannot assist to conduct off the water which inevitably settles into these convenient receptacles.

The primary expense of the excavation and embankment would provide all the moderate applications needed on a flat road for a great length of time.

The use of brush or logs as a foundation, can be of permanent service only while a constant solid covering of earth is maintained. This cannot be effected but by continual oversight and attention to the considerations above presented.

Possessing, as does the tract of country under consideration, such slender amount of good materials for road construction, it may be well to inquire whether the loads of gravel removed from the river coast and used to fill in the docks, together with the broken stone and pebbles brought as ballast in vessels, might not be employed to public profit, particularly in the streets of Detroit.

These hints touch but very partially the improvements susceptible in our roads. We aim only at directing attention to the subject. Road making has become a science, and to engineers, of whose profession it is more properly a study, we leave its full elucidation.

MONROE COUNTY.

Topography.

The county of Monroe partakes of the general uniformity of surface of the eastern border district of the peninsula. This general level is here interrupted by no sudden prominences exceeding 20 feet in height. The rise from the lake is gradual and nearly uniform, attaining at the western line of the county to about 115 feet. The streams descend with a rapid flow, furnishing numerous mill sites.

Lake Coast.

The very gradual ascent of the coast renders a border of many acres liable to be overflowed, and has occasioned broad marshes along nearly its whole extent.

From the same cause, the streams, after flowing with a lively current, on approaching the coast, subside to a level, and are affected by the fluctuations of the lake to the distance of two and three miles inland.

This joint action of the tide and current has given origin to several extensive deltas. Thus the approach to the city of Monroe, three miles inland, is through a circuitous channel, among islands of low alluvion, making a passage of six miles. A cut effected by the ship canal, now in progress, will shorten this distance one

half. The unfavorable impression produced by the Raisin and other streams, at their entrance to the lake, is, however, removed, on tracing their course through the rich and varied interior.

At least one half of the whole line of coast presents a border of marsh, irreclaimable, except at the will of the lake.

The most elevated portion of the coast is at Point aux Peaux and Stony Point, near Brest. About one mile in extent has here an altitude of 5 to 8 feet, occasioned by an out-cropping ledge of limerock.

The effect of the surf breaking upon the outer edge of the alluvial fields and islands, is to accumulate detritus, brought up by the lake, occasioning sand beaches. These by successive additions assume the form of ridges, generally elevated about 4 feet. Beaches thus formed skirt the outer edge of the delta of the Raisin. A narrow ridge of sand is frequently seen protecting low marshy tracts in their rear. In a similar manner a spit of sand, four miles in length, forms the barrier to Ottawa bay. This has probably a base of limerock, with clay superimposed, which has been protected from the erosive action of the lake by the cover of sand at the same time deposited from its waters.

Soils and Timber.

The county is bordered on the east and west by heavily timbered clay lands, having a width varying from two to nine miles. This timbered tract, on the west, continues into the adjoining county.

The whole included portion, in width from 8 to 14 miles, and extending in northeast and southwest direction into the adjoining counties on the north, and Ohio on the south, consists of sandy "openings" and plains, with a large proportion of wet prairie or marsh.

The heavily timbered tracts produce a large growth of oak, white and black ash, elm, lynn, beech, maple, whitewood, black walnut and sycamore, evincing a rich and very durable soil. Cotton wood is found in swamps, on the western edge of the county.

The timber of the plains and openings is mostly a yellow and white oak, often a thin and scattered growth, upon a meagre soil. Some clayey and more fertile portions produce hickory, and through Frenchtown and Raisinville, burr oak and chestnut are abundant.

The entire county may be said to be characterized by the great limerock formation, which is found to lie at no great depth throughout, and approaches the surface in at least twenty different places. Beds of clay and sand repose upon it. The former every where evince the proximity of the limerock by their ex-

tremely marly character, and the numerous, imbedded, angular fragments of the rock.

The *out-crops* of the limerock are found to lie in several distinct ranges, extending through the county in a northeast and southwest direction. The outer range, commencing at the southeast corner of town of Whiteford, forms there a ridge or step, having a rise above the general surface of 15 feet in a breadth of 2 miles. It passes thence in a nearly northeast course to Brest, occasioning those intermediate hillocks or protrusions of rock which occupy areas of from one-half to two square miles. At Stony Point it comes out upon the lake in the ledge before mentioned, and still further on in the same direction makes its appearance on the islands at the mouth of Detroit straits and the neighboring shores.

The second range, from the town of Whiteford, where it apparently approaches the range first mentioned, passes through the northern part of the town of Ida, in a nearly direct line, to Flat Rock.

West of this range, rock again appears on the Macon river, in the reservation, and in the Raisin at Dundee.

From all the data that could be obtained, the deposit of blue marly clay in the intervals between these ranges does not exceed in thickness 20 feet. Upon this rests a brown or yellow clay, similar to that which overlies the blue in Wayne county.* It has a thickness of 3 to 10 feet. This clay constitutes the basis of more than three-fourths of the soil of the timbered lands. Sand loams occasionally alternate with it, and in the town of Milan a rich black sand loam constitutes three-fourths of the soil.

The sand of the openings and plains has a depth probably not exceeding 10 feet on the general level. Its surface is slightly undulating, and in a few instances considerable ridges rise abruptly. One of these was observed bounding the heavily timbered lands of the town of Erie, succeeded by others having no uniform direction, and varying in height from 6 to 15 feet; wet, grassy swales intervening. I traced one of them for a mile in a northerly direction. A sand ridge borders the prairies in the southwest corner of Ida. It continues for half a mile in a northeast course, attaining to 15 feet in altitude, with the breadth of 100, and terminates by a sudden descent. Similar ridges may be observed on the plains near Sandy creek, town of Raisinville.

*An analysis of 100 grains of these clays shewed—

	Upper Clay.	Lower Clay.
Siliceous matter,	9.25	23.00
Alumina,	67.25	44.00
Carb. lime,	23.50	31.16
Iron,	00	1.84
	100.00	100.00

Marshes and Wet Prairie

characterize the plains, or whole central portion of the county, comprising nearly one-fourth their surface. They prevail under several modifications, and may be classed as the larger or wet prairie, occupying frequently an extent of several miles, and the smaller or swales, seldom exceeding an area of 20 acres. They differ also in character, according to the nature of their substratum. The latter class have generally a subsoil of clay, with a covering of peat or muck, deepening proportionally to its extent. Its average is one foot. They afford a coarse grass, (a species of *Carex*.) much relished by cattle. Where the substratum is sand, a small wiry species generally prevails, considered of inferior quality. Beneath this sand stratum, however, clay will, without doubt, be found at no great depth.

Prairies of much greater extent occupy a large portion of the town of Ida, the southern part of Summerfield, and the eastern part of Whiteford. About five sections of the latter township are of this character; nine sections in Summerfield, and eighteen in Ida. The soil is a fibrous peat, of one to two feet, and occasionally much greater depth, generally reposing upon sand. It produces a rank growth of wild grass, but little valued.

These marshes are portions of a connected chain, and have outlets discharging into considerable streams. Facilities thus exist for rendering them available to agriculture by a proper system of drainage, and at comparatively inconsiderable expense. The experiment has been made to some extent in the town of Whiteford, and a tolerable soil for tillage produced. A crop of wheat is said to have been grown upon the tract known as "White's marsh." But it should not be cause for discouragement if several years are required to test fully the value of such experiments. No such cause will exist when the nature of the soil to be dealt with is properly understood.

Similar marshes exist around the head branches of Swan creek, in Baxter, uniting with those described in town of Huron, Wayne county. They are supposed to occupy one-half of the surface of the township north of Stony creek.

Small ponds of the lily and other aquatic plants are numerous upon these prairies. A large proportion of the prairies and swales are dry only at midsummer.

Peat.

The upper soil of the marshes and swales above mentioned is of the kind denominated fibrous peat; an accumulation, simply, of the annually decaying vegetation. On drying, it will be found a light spongy substance, which may be reduced to an impalpable powder; a character but ill fitting it to become, singly, a fertile soil. When, therefore, it occurs unmixed with argillaceous or siliceous matter, it is to be doubted whether the most thorough

drainage will render it permanently available unless care is taken to subject it to irrigation at proper seasons, by closing the drains, and it be mixed with a proportionable admixture of earth. This admixture may often be effected by bringing up the subsoil by deep ploughing. The washings from the sandy plains adjoining, when cultivated, will further assist the process.

A coat of lime sown upon the surface would prove a most useful auxiliary. This would exert the triple effect of absorbing moisture, hastening the decomposition, and bestowing one of the most important ingredients of a good soil.

The application of this peat to the soil of the plains, much of which is sterile, would be productive of very important benefit. To effect this, it ought first to be carried to the manure heap and there become thoroughly decomposed by mixing with quick lime. When applied, this should be at once ploughed under. The fine fibre of peat would dry and dissipate, if left upon the surface.

When the comparative expense of cutting drains to that of clearing timbered lands, the immediate applicability of these tracts, and their utility in furnishing manure to the sterile soil adjacent, are considered, it will be apparent that the value of these portions of the county is not over-estimated.

Limerock.

The ranges of this rock before described, have a direction through the county which corresponds to the *line of bearing*, or is at right angles to the inclination of the strata. The dip is, consequently, northwest, or northwest by north; very obvious in the outer range, and about 5° in amount.

The color varies from light shades of gray to dark blue. It is mostly compact, but exhibits all that variety of character for which the "mountain limerock" is distinguished. This will best appear in the following more extended notice.

It occurs in the bank of Swan creek, at Newport, and in its bed for the distance of two miles above, where to a small extent it has been quarried for economical purposes. The stone is of dark gray color.

Stone of a similar character appears a mile northeast of Brest, (section 24.) and has been quarried to small amount.

At Point au Peaux it exhibits a vesicular or slightly oolitic structure in the lower layers. Superimposed are four feet of dis-raptured masses, of a more compact character.

Limerock appears in the bed and bank of Stony creek, at Brest, where it has been penetrated to depth of four feet. The thickest stratum opened was of three feet. It has a light gray color, approaching white. It is compact, and some portions siliceous; considerable hornstone is contained. The stone is quarried in irregular, small blocks, suited to rough building.

The ledge appearing at Stony point, resembles in character the rock on Swan creek. It contains sulphate of strontian.

Limerock forms the bed of Sandy creek, at distance of two miles from the lake.

The city of Monroe is underlayed by limerock at depth of from two to five feet. The rock is quarried to small extent in the bank of the Raisin, near the city. Extensive quarries have been opened in the valley of Plumb creek, half a mile south of the city. The excavations reach to the depth of nine feet. The succession of strata passed through, presents a variety of characters. The vesicular limestone observed at Point au Peaux again appears associated with siliceous portions and compact strata, variegated with yellowish and blueish spots and veins, having the appearance of veined marble. These bear a tolerable polish, and might serve for ornamental purposes. At depth of nine feet a stratum occurs of dark blue color, and veined.

The stone is said to improve with depth, both for lime and building purposes. If this be the fact, it may be advisable to excavate lower down the creek, where, owing to the direction of the dip, these more valuable strata may be supposed to lie nearer the surface.

The stone is mostly quarried in angular pieces of small dimensions, but slabs are said to be obtainable of size sufficient for door and window sills, &c.

Limerock forms the bed of Otter creek, at Winchester, and for the distance of eight miles above. It is hard, of a bluish gray color.

Following the range southwest, we find a ridge or hillock composed of limerock, on sections thirty-one and thirty-two, of Lasalle, and one and two of township of Erie. It appears over an area of more than a square mile, having an elevation of about ten feet above the level on the south. The stone, so far as penetrated, (five feet,) is of a light color, striped, and portions fissile.

Limerock is met with, in the same range, at not less than four places in the township of Bedford. In the bed of Bay creek a small quarry has been opened.

Near the centre of the township it appears twice over surfaces of two-thirds a square mile. These have been penetrated several feet, and are found to consist of a very siliceous rock, composed of an aggregate of grains of quartz cemented by lime. The upper portions, which lie in loose masses, are calcareous and are alone suitable for burning.

At the southwest corner of section thirty, limerock appears at the surface and in the bed of Halfway creek. This continues at intervals for a mile west, and in a southwest direction, following Ottawa creek, to Whiteford, in Ohio. It underlies the intermediate spaces at a depth probably not exceeding five feet. A con-

termination of the ledge may also be traced north, along the whole eastern border of township of Whiteford. The upper portions only could be observed, which appeared to be a pure, compact limestone.

No fossils were found in this range, except *Terebratula*, at Newport and Stony point.

Another range or series of *outcrops* passes through the centre of the county, in a direction parallel to the former. It must be considered as the overlapping edge of a portion of the limerock formation, superimposed upon that whose outcrop forms the range first mentioned. This portion of the formation includes several strata of a very siliceous character, approaching in several instances, almost to pure sandrock.

Stone of this description makes its appearance six miles northwest from Monroe, and was traced over a surface of one half a square mile. It disintegrates readily, where exposed, into a pure siliceous sand, which may be seen to be composed of well formed quartz chrystals. Where not discolored by oxides of iron, it is of a pure white.

Associated with this stratum, is a gray siliceous limestone which is fossiliferous.

A similar sandrock appears in the bed of the Raisin, at low water mark, section twenty-nine, township of Raisinville, where it forms a ledge of a foot in thickness. Some portions are beautifully white and are nearly pure silex. It breaks easily and is inclined to disintegrate. It has not been used except as a scouring sand.

Near the west line of section 19, rock appears at the surface, and has been quarried superficially. It is a siliceous limerock, of dark color, and when quarried, moist and soft, and may be dressed with ease to any required form. Owing to its want of compactness, it may be doubted whether it would be permanent, exposed to the action of the atmosphere. It has been employed as a building material at Monroe.

Opposite Lawrence's mill a smooth ledge of limerock forms the bed of the Raisin, and a quarry has been opened on the upland, several rods south from the river. The latter furnishes a siliceous limestone, varying in color from a light to a dark mixed gray.

In a southwest direction from the above, in town of Ida, rock is found at the surface over a small area, on section four. A superficial stratum only has been quarried, of a foot thick, which is said to afford superior lime.

On section sixteen a siliceous limerock appears in the bank of a small pond and has been opened to the depth of four feet. It removes readily in slabs three feet in length with thickness of four to six inches. Color, light yellowish gray.

A vesicular limeroock forms the bank at the head of Ottawa lake, town of Whiteford. It affords excellent lime.

A compact limeroock also appears in an inlet at the foot of Ottawa lake and has been quarried for lime. Portions are siliceous. Considerable calcareous spar is contained.

West of the range just described, limeroock makes its appearance on the Macon river just above its mouth, and forms its bed for a mile. It has been quarried extensively; but the excavations have not penetrated below the first solid layer, a depth of eighteen inches. It is mostly of a dark gray color, sparry, approaching a chrySTALLINE texture, and abounds with fossils. Portions give out a very strongly bituminous odor. The stratum exposed is very continuous, and has been removed with wedges in pieces 10 feet in length; but the blocks are apt to sever under the chisel. From this locality are said to have been furnished, the caps and sills for the court-house at Monroe. It will compare in appearance with the much admired Ohio stone. This locality is said to afford the best lime in the county.

Rock of a similar character forms the bed of the Raisin at Dundee.

Lime.

More or less has been manufactured at most of the localities of limeroock above mentioned.

Three kilns are maintained, by the quarries at Plumb creek. Probably 900 or 1000 bushels are made annually.

At the quarry on section 19, Whiteford, five kilns have been burned, of 500 bushels each.

At the Macon quarry eight kilns have been burned, of 800 or 1000 bushels each, which sells at Tecumseh for four shillings per bushel.

Sand.

The only locality, particularly worthy of mention, is that of the disintegrated siliceous rock found, as before noticed, in Raisinville, on the farm of Mr. Thos. Colwell. This bed was noticed by the State Geologist in his report of last year. It is mostly pure siliceous, and for the manufacture of glass, superior to any yet found in the state. A specimen of glass manufactured from it, in the possession of the proprietor, was unusually transparent and free from flaws.

Much of the sand of the plains in this vicinity, and even as far down as Monroe, is intermingled with white siliceous grains from this rock.

Clay.

The clays are in general too calcareous to be used with advantage for bricks or pottery. The upper brown or yellow clay is least so, and may be found conveniently for brick at numerous places throughout the county.

The manufacture has been conducted extensively at Frenchtown, opposite Monroe. But few were made the past season. During the season previous, so far as could be ascertained, about 1,600,000 were burned at the several kilns. The clay is impure from the lime contained.

A single kiln of bricks has been burned at Brest.

At Mr. White's yard, Newport, 100,000 bricks have been burned. The first two feet of the clay only is sufficiently free from calcareous matter to render it fit for the purpose.

Attempts were made at two places in the town of Dundee to manufacture bricks, but were abandoned from the cause alluded to. Good bricks are said, nevertheless, to have been made from the clay on Saline river, in the town of London. All the clays in this region, that were tested, gave very strong indications of lime, so much so as to deserve the appellation of marly. As the clays, even in proximate situations, often differ much in this respect, it is important to test them with a simple acid. Good vinegar will answer an ordinary purpose. Clay may, no doubt, be found considerably pure; besides that expense and disappointment may often be spared by a previous knowledge of the character of the material employed.

Marl.

A bed of shell marl (*bog lime*.) underlies the marshy tract bordering the lake, near the city of Monroe. It has been penetrated to the depth of a foot by ditches, for a considerable distance. The deposit has probably a thickness of several feet, and apparently underlies the whole continuous tract of Marsh, an extent of about a square mile.

A tufaceous marl is also deposited in considerable quantities by springs in the vicinity.

In town of Exeter, section 7, a marl is said to have been ploughed up, dry, and crumbling on exposure.

A deposit of shell marl was observed in town of Ash, (town 6 south, range 9 east,) section 9. It occurs in a marshy swale, overlaid by 2 feet of muck or peat. The bed is about a foot in thickness and occupies an area of an acre. Similar swales are numerous throughout this section as well as in other parts of the county, and the proximity of the limerock warrants the conclusion that beds of marl may be found deposited on low spots, charged with springs.

The economical use of these marls has been noticed under the

report of Wayne county. Probably many of the clays may be found approaching so nearly to *marl* as to be of great value as a stimulant manure to sandy soils.

Sulphur Springs.

Two miles below Monroe, near the marshy border of the lake, several springs issue from an immense mound. They are strongly impregnated with sulphur, and form thin white deposits of that substance. This mound occupies an area of 4 to 6 acres, rising about 10 feet above the general level. Its surface is wet and boggy. This mound is evidently a deposit from the water of the springs, which running through crevices in the great underlying rock formation, becomes highly charged with lime, and on approaching the surface, deposits that substance either in a soft plastic mass or as a coating upon the moss and surrounding vegetation. Thus *marl* and *tufa* result. This process may be observed now going on. Large quantities of moss, still alive, are covered with a thin calcareous crust. A mile further south are numerous smaller mounds of similar origin. One of these discharges a considerable stream from a spring occupying a large cavity in the centre. Here a foot thickness of white *marl* is disclosed, overlaid by two feet of crumbling *tufa*. The spring boils up through a cauldron of calcareous and vegetable matter, into which a pole may be thrust many feet. This mound is circular, 100 feet diameter and 6 feet high. Most of the other mounds consist of a very indurated lime, or *tufa*.

The famous sulphur spring in the Bay settlement, emerges from a low mound of similar formation, situated in the edge of the large marsh bordering the bay. It occupies a circular basin of 150 feet diameter by 45 deep. A stream flows from it which at its head is 10 feet wide and 3 deep, and has a considerable current. The odor of sulphur may be perceived at distance of half a mile, though the water is not of extraordinary strength. A bathing-house was in contemplation at this place, but the unusual rise of the lake caused an abandonment of the project.

Springs occur in great numbers on Sulphur creek, town of LaSalle. They occasion mounds of the same character as those near Monroe, and discharge considerable streams. A few of these united, formerly supplied a mill.

In Raisinville, section 19, is a strongly impregnated spring, discharging water sufficient to form a brook.

Another, on section 25, forms the head of Plumb creek.

A spring of moderate strength issues from the margin of the Raisin, half a mile below Dundee.

A strong spring of sulphur and iron is said to be found on Stony creek, town of Exeter, section 21.

On Swan creek, town of Ash, are springs impregnated with

sulphur and iron. One on section 26 ascends in a curb several feet above the level of the stream.

These springs all afford a copious supply, and are unaffected by a drought which renders dry the channels of neighboring streams. This fact, with that of their rise above the level of surrounding waters, and their strong impregnation with the minerals sulphur, lime and iron, proves that they have distant sources and that they proceed from great depths below the surface.

Streams and Springs.

This county is intersected by a number of considerable streams, following a parallel course to the lake; but small branches do not abound, as in a country of more broken surface. Most of the streams supply a *hard* water.

Water is obtained generally without difficulty from wells and springs affording a good supply, *extremely hard*. It is occasionally impregnated with sulphur and iron, owing to the proximity of the limerock.

Several wells in the towns of Asti, Lasalle and Ida, sink twenty feet, to rock, opened veins which filled them suddenly, causing them to overflow.

Wells on the plains which do not descend to the clay, are generally soft; so that by proper precautions, water free from lime may be obtained in those situations.

Bog Ore.

Several deposits of this mineral occur in the neighborhood of Petersburg and Dundee. The ore is much mixed with siliceous matter, and none of it can be considered of the best quality.

On section nineteen, township of Summerfield, ore is formed on the borders of a marsh of about ten acres. The marsh is fed by springs and is unaffected by droughts. The ore is deposited in loose, amorphous masses, mingled with shot ore. The sandy soil of the neighboring plains is much mingled with particles of shot ore resembling fine gravel. Several hundred loads might be obtained from this locality.

On section twenty-five, ore was discovered in digging a trench through a marshy swale. It is found over about an acre, principally disseminated in the state of shot through the sandy peat soil, in a stratum not exceeding six inches thickness. In the dry border some heavy mamillary ore is found, in loose pieces, some of which weigh several pounds.

On a neighboring farm ore of a similar character was thrown out in ditching. A few loads might be obtained.

Swales similar to the above abound, and other localities of ore will no doubt be found whenever sufficient inducement shall be offered for its search.

Numerous indications of bog iron were seen in township of Bedford. No valuable deposit came under my observation. A locality is said to exist, supposed to be in quantity, on section three, (township nine south, range seven east.)

Indications also exist in township of London and elsewhere.

A bed of sandy red ochre is found on section twenty-one, Bedford, covering about three square rods, with a depth of from one to three feet. It is immediately underlaid by limerock. A small quantity has been applied as a paint and tolerably answers the purpose.

Boulders.

Numerous water-worn fragments of the primary rocks are found lodged on the limestone hillocks, and accompanying the ranges of limerock throughout the country, but seldom occur elsewhere upon the surface. Similar boulders are found imbedded in the blue clay deposit.

A large boulder from the limerock formation was noticed on section four, township of Milan.

Phenomena accompanying the Limerock.

Sink-holes.—In the township of Whiteford occur a number of those bowl-shaped depressions, known by the name of "sinks." The largest that came under my observation is near the northeast corner of the township. This immense basin occupies nearly one hundred acres, and at the centre is about fifteen feet below the general level. I found the bed to be composed of layers of blue clay and sand, covering at a slight depth limerock.

These *sinks* derive their name from the fact of their being collects for the waters of the surrounding region, which are here absorbed; no outlets being discovered. The waters no doubt disappear in a cavernous aperture of the limerock below. It is stated, on good authority, that when the large sink is filled, a whirlpool may be seen of sufficient force to draw in rafts floating near the vortex.

Marks of Diluvial Action.—Upon the surface of the broad, flat ledges of limerock at Point au Peaux, was observed a beautiful exhibition of the *grooves and scratches* supposed to be occasioned by attrition of hard bodies moving in a strong current. These have a uniform direction, north 60° east. In some instances the surface has been worn to a fine polish, which imparts a beautiful light color to the stone, and exhibits the markings as fresh in appearance as if done yesterday.

A similar phenomenon is observable at Brest, and is a fine illustration of the course and moving power of the current. The surface, about twenty square feet of which is exposed, is undulating and worn into curves. Two directions are here observed of

the furrows, on contiguous portions of the same ledge; north 50° east and north 65° west.

Facts of this nature, which singly are of little importance, are noted, because they have a bearing upon the results of scientific inquiries; a consequence which, though for a time unheeded and "darkly hid," tends to throw clearer light upon the ultimate plan of useful economy.

My acknowledgments are due to many persons in the above counties for hospitalities and assistance rendered in the prosecution of the survey.

BELA HUBBARD,

Assistant Geologist.

Detroit, January 26, 1889.

GLOSSARY

Including most of the Geological terms used in these reports from Lyell's Geology, and other sources,

Alluvial. The adjective of alluvium.

Alluvion. A synonym of alluvium.

Alluvium. Recent deposits of earth, sand, gravel, mud, stones, peat, shell banks, shell marl, drift sand, &c., resulting from causes now in action. This term is generally applied to those deposits in which water is the principal agent.

Alum rocks. Rocks which, by decomposition, form alum.

Amorphous. Bodies devoid of regular form.

Amygdaloid. A trap rock which is porous and spongy, with rounded cavities scattered through its mass. Agates and simple minerals are often contained in these cavities.

Anthracite. A species of mineral coal, hard, shining, black and devoid of bitumen.

Anticlinal. An anticlinal ridge or axis is where the strata, along a line dip contrarywise, like the sides of the roof of a house,

Arenaceous. Sandy.

Argillaceous. Clayey.

Augite. A simple mineral of variable color, from black through green and gray to white. It is a constituent of many volcanic and trappean rocks, and is also found in some of the granitic rocks.

Avalanche. This term is usually applied to masses of ice and snow which have slid from the summits or sides of mountains. It is now also applied to slides of earth and clay.

Basalt. One of the common trap rocks. It is composed of augite and feldspar, is hard, compact and dark green or black, and has often a regular columnar form. The palisades of the Hudson show the columnar aspect of trap rocks. The Giant's Causeway

is cited as an example of basaltic rocks, and the columnar structure is there very strikingly displayed.

Bitumen. Mineral pitch, which is often seen to ooze from fossil coal when on fire.

Bituminous Shale. A slaty rock, containing bitumen, and which occurs in the coal measures.

Blende. Sulphuret of zinc. A common shining zinc ore.

Bluffs. High banks of earth or rock, with a steep front. The term is generally applied to high banks forming the boundaries of a river, or river alluvions.

Botryoidal. Resembling a bunch of grapes in form.

Boulders. Rocks which have been transported from a distance, and more or less rounded by attrition or the action of the weather. They lie upon the surface or loose in the soil, and generally differ from the underlying rock in the neighborhood.

Breccia. A rock composed of angular fragments cemented together by lime or other substances.

Calc Sinter. A German term for depositions of limestone from springs, and waters which contain this mineral in solution.

Calcareous Rocks. A term synonymous with limestones.

Calcareous Spar. Crystalized carbonate of lime.

Carbon. The combustible element of coal.

Carbonates. Chemical compounds containing carbonic acid, which is composed of oxygen and carbon.

Carbonic Acid. An acid gaseous compound, incapable of supporting combustion, and deleterious to animal life. It is common in caves and wells, and many incautious persons lose their lives in consequence of descending, without first ascertaining its presence by letting down a lighted candle. Man cannot live where a lighted candle will not burn freely.

Carboniferous. Coal bearing rocks. This term has been applied to formations belonging to an ancient group of secondary rocks, which contains coal. The term is now used in a more enlarged sense, and may be applied to any rocks containing coal.

Chalybeate. Impregnated with iron.

Chert. A siliceous mineral, approaching to chalcedony, flint and hornstone. It is usually found in limestone.

Chlorite. A soft green scaly mineral, slightly unctuous.

Chloritic Slate. Slate containing chlorite.

Clinckstone. A slaty feldspathic or basaltic rock, which is sonorous when struck.

Cleavage. The separation of the laminae of rocks and minerals in certain constant directions. They are not always parallel to the planes of stratification, but are often mistaken for them.

Coal formation. *Coal measures.* These terms are considered synonymous, and refer to the great deposits of coal in the older secondary rocks, which has been called the "independent coal

formation." There are, however, deposits of carbonaceous matter in all the geological periods, and several of them might also be called coal formations.

Conformable. When strata are arranged parallel to each other, like the leaves of a book, they are said to be conformable. Other strata lying across the edges of these may be conformable among themselves, but *unconformable* to the first set of strata.

Conglomerate, or Puddingstone. Rocks composed of rounded masses, pebbles and gravel, cemented together by a siliceous, calcareous, or argillaceous cement.

Cretaceous. Belonging to the chalk formation.

Crop out and *out crop.* Terms employed by geologists and mining engineers, to express the emergence of rock, in place, on the surface of the earth, at the locality where it is said to crop out.

Crystalline. An assemblage of imperfectly defined crystals, like loaf sugar and common white marble.

Delta. Alluvial land formed at the mouths of rivers.

Denudation. A term used to express the bare state of the rocks over which currents of water have formerly swept, and laid the rocks bare, or excavated them to form valleys of denudation.

Deoxidize. To separate oxygen from a body.

Detritus. Broken and removed portions of rock which have been operated upon by waters or the atmosphere; frequently transported by currents to great distances.

Dykes. A kind of vein intersecting the strata, and usually filled with some unstratified igneous rock, such as granite, trap or lava. These materials are supposed to have been injected in a melted state into great rents or fissures in the rocks.

Diluvium and *Diluvion.* Deposites of boulders, pebbles and gravel, which many geologists have supposed were produced by a diluvial wave or deluge sweeping over the surface of the earth.

Dip. Where strata are not horizontal, the direction in which their planes sink or plunge, is called the direction of the dip, and the angle of inclination, the angle of dip.

Dolomite. A magnesian limestone belonging to the primary class. It is usually granular in its structure, and of a friable texture.

Dunes. Sand raised into hills and drifts by the wind.

Earth's Crust. The superficial parts of our planet which are accessible to human observation.

Eocene. The strata deposited during the oldest of the tertiary epochs, as, for example, the Paris Basin.

Estuaries. Inlets of sea into the land. The tides and fresh water streams mingle and flow into them. They include not on-

ly the portion of the sea adjacent to the mouths of rivers, but extend to the limit of tide water on these streams.

Exuvia. In Geology, fossil remains.

Fault. A dislocation of strata, at which the layers on one side of a dyke or fissure have slid past the corresponding ones, on the other. These dislocations are often accompanied by a dyke. They vary from a few lines to several hundred feet.

Feldspar. One of the simple minerals, and, next to quartz, one of the most abundant in nature.

Ferruginous. Containing iron.

Fluvialite. Belonging to a river.

Formation. A group of rocks which were formed during a particular period, or which are referred to a common origin.

Fossils. The remains of animals and plants found buried in the earth, or enclosed in rocks. Some of these are but slightly changed, others are petrified and the organic replaced by mineral matter; some have decayed and left the impression of the bodies, while others have been formed by mineral matter deposited in the cavities left by the decay of the organic body. These last are called *casts*. The term petrification is applied to those cases in which organic matter has been replaced by mineral substances. The form and structure of the original body both remain. In casts the exterior form alone is preserved. Fossils are also called organic remains.

Fossiliferous. Containing organic remains.

Galena. An ore of lead composed of lead and sulphur.

Garnet. A simple mineral, which is usually red and crystallized. It is abundant in most primitive rocks.

Gneiss. A stratified primary rock, composed of the same materials as granite, but the mica is distributed in parallel layers, which give it a striped aspect.

Geode. *Geodiferous.* Geodes are small cavities in rock, generally lined with quartzose or calcareous crystals.

Geology. A science which has for its object to investigate the structure of the earth, the materials of which it is composed, the manner in which these are arranged, with regard to each other; and it considers the action of all natural causes in producing changes, such as the effects of frost, rain, floods, tides, currents, winds, earthquakes, and volcanoes.

Economical Geology refers to the applications of geological facts and observations to the useful purposes of civilized life.

Granite. An unstratified rock, composed generally of quartz, feldspar and mica, and it is usually associated with the oldest of the stratified rocks.

Graywacke, Grauwacke. A group of strata in the transition of rocks; but the term has been so indefinitely applied, that other names will probably be substituted.

Greenstone. A trap rock, composed of hornblende and feldspar.

Grit. A coarse-grained sandstone.

Gypsum. A mineral, composed of sulphuric acid and lime, and extensively used as a stimulant manure, and for making stucco and plaster casts, &c. It is also called Plaster of Paris.

Hornblende. A mineral of a dark green or black color, and which is a constituent part of greenstone.

Hornstone. A siliceous mineral, approaching to flint in its character.

In Situ. In their original position, where they were formed.

Laminae. The thin layers into which strata are divided, but to which they are not always parallel.

Lacustrine. Belonging to a lake. Depositions formed in ancient as well as modern lakes, are called lacustrine deposits.

Landslip. It is the removal of a portion of land down an inclined surface. It is in consequence of the presence of water beneath, which either washes away the support of the superincumbent mass, or so saturates the materials, that they become a slippery paste.

Line of Bearing, is the direction of the intersection of the planes of the strata with the plane of the horizon.

Lignite. Wood naturally carbonized and converted into a kind of coal in the earth.

Littoral. Belonging to the shore.

Loam. A mixture of sand and clay.

Mural Escarpment. A rocky cliff with a face nearly vertical, like a wall.

Mammillary. A surface studded with smooth small segments of spheres, like the swell of the breasts.

Mammoth. An extinct species of the elephant.

Marl. By this term an argillaceous carbonate of lime is usually implied. By custom, its signification is much more extended, and means mineral substances, which act as stimulating or fertilizing manures. There are clay marls, shell marls, and various others.

Marly clay. Clay containing carbonate of lime.

Mastodon. A genus of extinct fossil animals allied to the elephant. They are so called from the form of the grinders, which have their surfaces covered with conical mammillary crests.

Matrix. The mineral mass in which a simple mineral is imbedded, is called its *matrix* or *gangue*.

Megatherium. A fossil extinct quadruped resembling a gigantic sloth.

Mechanical origin, Rocks of. Rocks composed of sand, pebbles or fragments, are so called, to distinguish them from those of a uniform crystalline texture, which are of chemical origin.

Mica. A simple mineral having a shining silvery surface, and capable of being split into very thin elastic leaves or scales. The brilliant scales in granite and gneiss are mica.

Mica Slate. One of the stratified rocks belonging to the primary class. It is generally fissile, and is characterized by being composed of mica and quartz, of which the former either predominates, or is disposed in layers, so that its flat surfaces give it the appearance of predominating.

Miocene. One of the deposits of the tertiary epoch. It is more recent than the *eoene*, and older than the *pliocene*.

Mollusca. Molluscous animals. "Animals, such as shell fish, which, being devoid of bones, have soft bodies."

Mountain Limestone. "A series of limestone strata, of which the geological position is immediately below the coal measures, and with which they also sometimes alternate."

Muriate of Soda. Common salt.

Naphtha. A fluid, volatile, inflammable mineral, which is common in volcanic districts, and in the vicinity of the salt springs of the United States.

New Red Sandstone. "A series of sandy and argillaceous, and often calcareous strata, the prevailing color of which is brick red, but containing portions which are greenish grey. These occur often in spots and stripes, so that the series has sometimes been called the variegated sandstone. The European, so called, lies in a geological position immediately above the coal measures."

Nodule. A rounded, irregular shaped lump or mass.

Old Red Sandstone. "A stratified rock, belonging to the carboniferous group of Europe."

Oolite, oolitic. "A limestone, so named, because it is composed of rounded particles like the roe or eggs of fish. The name is also applied to a large group of strata characterized by peculiar fossils."

Organic Remains. See *Fossils*.

Orthoceratite. The remains of an extinct genus of molluscous animals, called Cephalopoda. The orthoceratites are long, straight, conical chambered shells.

Out-crop. See *Crop out*.

Out-liers. Hills or ranges of rock strata, occurring at some distance from the general mass of the formations to which they belong. Many of these have been caused by denudation, having removed parts of the strata which once connected the out-liers with the main mass of the formation.

Oxide. A combination of oxygen with another body. The term is usually limited to such combinations as do not present active acid or alkaline properties.

Palaeontology. A science which treats of fossil remains.

Pisoliths. A calcareous mineral, composed of rounded concretions like peas.

Pliocene. The upper, or more recent tertiary strata. This group of strata is divided into the older and newer pliocene rocks.

Petroleum. A liquid mineral pitch. It is common in the region of salt springs in the United States.

Porphyry. A term applied to every species of unstratified rock, in which detached crystals of feldspar are diffused through a compact base of other mineral composition.

Productus. An extinct genus of fossil bivalve shells.

Plastic Clay. One of the beds of the Eocene period. The plastic clay formation is mostly composed of sands with associate beds of clay.

Pudding Stone. See *Conglomerate*.

Pyrites. A mineral, composed of sulphur and iron. It is usually of a brass yellow, brilliant, often crystalized, and frequently mistaken for gold.

Quartz. A simple mineral, composed of silic. Rock crystal is an example of this mineral.

Rock. All mineral beds, whether of sand, clay, or firmly aggregated masses, are called rocks.

Sandstone. A rock composed of aggregated grains of sand.

Saurians. Animals belonging to the lizard tribe.

Schist. Slate.

Seams. "Thin layers which separate strata of greater magnitude."

Secondary Strata. "An extensive series of the stratified rocks, which compose the crust of the globe, with certain characters in common, which distinguish them from another series below them, called primary, and another above them, called tertiary."

Sedimentary Rocks. Are those which have been formed by their materials having been thrown down from a state of suspension or solution in water.

Selenite. Crystalized gypsum.

Septaria. Flattened balls of stone, which have been more or less cracked in different directions, and cemented together by mineral matter which fills the fissures.

Serpentine. A rock composed principally of hydrated silicate of magnesia. It is generally an unstratified rock.

Shale. An indurated slaty clay, which is very fissile.

Shell Marl—Fresh water Shell Marl. A deposit of fresh water shells, which have disintegrated into a grey or white pulverulent mass.

Shingle. The loose water-worn gravel and pebbles on shores and coasts.

Silex. The name of one of the pure earths, which is the base of flint, quartz, and most sands and sandstones.

Siliceous. Containing silex.

Silt. "The more comminuted sand, clay and earth, which is transported by running water."

Simple Minerals.—Are composed of a single mineral substance. Rocks are generally aggregates of several simple minerals cemented together.

Slate. A rock dividing into thin layers.

Stalactite. Concreted carbonate of lime, hanging from the roofs of caves, and like icicles in form.

Stalagmites. Crusts and irregular shaped masses of concreted carbonate of lime, formed on the floors of caves, by deposits from the dripping of water.

Stratification. An arrangement of rocks in strata.

Strata. Layers of rock parallel to each other.

Stratum. A layer of rocks; one of the strata.

Strike. The direction in which the edges of strata crop out. It is synonymous with *line of bearing*.

Syenite and Sienite. A granitic rock, in which hornblende replaces the mica.

Synclinal line and Synclinal axis. When the strata dip downward in opposite directions, like the sides of a gutter.

Talus. In geology, a sloping heap of broken rocks and stones at the foot of many cliffs.

Tertiary Strata. "A series of sedimentary rocks, with characters which distinguish them from two other great series of strata—the secondary and primary—which lie beneath them."

Testacea. "Molluscous animals, having a shelly covering."

Teplid. Warm.

Thermal. Hot.

Thin out. Strata which diminish in thickness until they disappear, are said to *thin out*.

Trap—Trappean rocks. Ancient volcanic rocks, composed of feldspar, hornblende and augite. Basalt, greenstone, amygdaloid, and dolomite, are trap rocks.

Travertin. "A concretionary lime-stone, hard and semi-crystalline, deposited from the water of springs."

Tufa Calcareous. "A porous rock, deposited by calcareous waters on exposure to air, and usually containing portions of plants and other organic substances incrustated with carbonate of lime."

Tufaceous. A texture of rock like that of tuff.

Tuff or Tufa. "An Italian name for a volcanic rock of an earthy texture."

Unconformable.—See conformable.

Veins. Cracks and fissures in rocks filled with stony or me-

tallic matter. Most of the ores are obtained from metallic veins.

Zoophytes. Coral sponges and other aquatic animals allied to them.

(No. 24.)

Communication from the President of the Board of Internal Improvement, transmitting the survey and estimates for a Railroad from Centerville, via Lockport, Geneva and Cassopolis, to Niles.

OFFICE OF INTERNAL IMPROVEMENT, {
Detroit, February 9, 1839. }

To the Senate and House of Representatives.

In obedience to a joint resolution of the legislature, approved April 3d, 1838, directing the commissioners of internal improvement "to cause a correct and accurate survey and estimate of a railroad route on the best and most eligible ground from Centerville, via Lockport, Geneva and Cassopolis, to Niles, to be made, and to report said survey and estimate to the legislature of this state at its next annual session," I have the honor of transmitting to the legislature the report of the survey and estimates on said railroad route, made by Erastus Hurd, Esq. The map and profiles of said survey are on file in this office.

By order of the board.

E. H. LOTHROP, *President.*

REPORT, &c.

To the Hon. Edwin H. Lothrop, President of the Board of Internal Improvement.

SIR: In pursuance to instructions which I received by letter bearing date July 6, 1838, a copy of which is here inserted:

"SIR: The legislature at its last session, by resolution directed the board of internal improvement to cause a survey to be made from Centerville, in the county of St. Joseph, via Lockport, Geneva, Cassopolis, to Niles, in Berrien county. The object of the survey is to obtain such information that will enable the legislature to establish judiciously the location of the western part of the southern railroad. For that object you have been employed to make such examination and survey.

"1st. I wish you to commence in the village of Centerville, at such a point on the present surveyed line of the southern railroad as will in your opinion best promote the public interest. But if on examination it should not be found practicable to diverge from the present surveyed line within the limits of said village, you will be at liberty to commence at such point on said surveyed line,

east of said village, as in your opinion will be for the interest of the state. At the same time note your reasons for so doing.

"2d. In prosecuting the survey west, I wish you, before determining on any particular route, to give the country such an examination as will enable you to adopt that route, touching at or near as possible the points named in the resolution of the legislature, as will best combine cheapness, permanence and durability.

"3d. You will connect your survey at or near the village of Niles with the survey of last year, at such points as you shall think most proper.

"4th. I wish you would be particular to note from day to day, in making your survey, the general face of the country, the character of the soil, timber, &c., and every fact that will enable the legislature to form a correct opinion of the route.

"5th. After completing the survey, you will make out a profile of the route or routes surveyed, accompanied by a full estimate of the expense of constructing said railroad from Centerville to Niles, and place the same in the railroad office at Detroit, in the care of Mr. Adams."

The survey in conformity to these instructions, has been made, and I herewith present to you a report in detail of my proceedings and the estimated cost of said road, together with maps and profiles of the same; also the topography of the country carefully delineated in such manner as to show in perspective the varied features of the country as were found to exist on the line of our examination, embracing a belt from one half to three miles in breadth on each of the respective lines; also a careful admeasurement of the several streams has been made, and the aggregate quantity of water in cubic feet per minute, will be found in another part of this report. A journal of each day's proceedings has been kept, carefully noting the general character of the country, the quality of the soil, and the variety of timber which was met with on the several lines examined, from which I deduce the following:

On the 16th of July last, I proceeded with my company from Three Rivers to Centerville, for the purpose of commencing the survey designated in your instructions. I was accompanied by Mr. Pierson, of Lockport, a gentleman from whose general acquaintance with that section of the country, I gained much information, which materially served to expedite the survey over that section lying between Centerville and Lockport. On arriving at Centerville, a careful examination was made in the vicinity, and of the surrounding country, particularly of Prairie river, the valley of which presents the only obstacle, if it may be called such, lying between Centerville and Lockport. It being found practicable to diverge from the line, as run by Mr. Dutton on the village plat, the point of commencement was therefore determined by that

portion of my instructions relating to this point, though it is the opinion of your engineer that the line would not only be shortened but lessened in expense by commencing at a point a mile or more east of the village, crossing the village plat more to the north than it is as now run, thence to Prairie river, crossing that stream at the point now crossed by the survey.

The survey commenced at a station marked 1704, standing two chains east of the road leading from Centerville to Constantine, and diverges from Mr. Dutton's line under an angle of $28^{\circ} 50'$: thence in a direct line to the plains on the west side of Prairie river. This course will not only admit of establishing a curve of large radius but will also enable us to cross the river at a point the most advantageous of any for some miles, either to the north or south of the line. At this point the valley is narrow, not exceeding six chains in breadth. Immediately above and below, the valley becomes expanded into a wide spread marsh. From Prairie river to the St. Joseph no obstacle of importance occurs, the general character of the country being that of a plain, occasionally rising into slight undulating ridges, and a few instances into irregular broken knobs; its general inclination is to the south and west, and the only desideratum in the selection of a route seems to be in choosing that which shall be the most direct, at the same time avoiding the marshes which are occasionally interspersed through that section of the country, and lie from 18 to 24 feet below the surrounding plains. On approaching the valley of the St. Joseph river, two routes were examined, crossing the river at different points, intersecting each other on the plains west of the St. Joseph, as seen by reference to the accompanying map and profile—one line crossing at the Indian fording place, the other at Buck's ferry. The latter, from shortness of distance and cheapness of route, has been selected. This route also passes in the vicinity of the village of Three Rivers, situate at the junction of Rock, Portage and St. Joseph rivers, and will doubtless ultimately be connected with Lockport, and become one and the same in interest and pursuit.

Surrounded as this place is, by a wide spread, rich and fertile country, embracing within itself an immense water power, fully adequate to manufacture the products of (at no far distant day,) a densely populated country, cannot fail to become a place of much importance and great utility to that section of the country. From Lockport, west, the line bears more southerly, crossing the plains lying between the St. Joseph and a range of ridges which skirt this plain on the west, and makes in a northwesterly and southeasterly direction, generally rising with bold acclivity, broken into irregular disconnected knobs, varying from a few feet to more than one hundred in height, above the adjacent plains. Various lines were examined through these ridges, in order to ascertain

the most accessible point from the plains, and which resulted in obtaining a route with a grade not exceeding 36 76-100 feet per mile, or an expensive one, as seen by reference to estimated cost of sections. After passing this barrier, the line takes the southern declivity of this elevated land, the face of the country soon becoming more even, the surface slightly undulating and presenting a rich fertile farming district, the more elevated parts of the ridge occasionally broken, but densely covered with heavy and valuable timber. The outlet of Grass lake and low depression of the country immediately west of the outlet, together with the crossing of the outlet of Lilly lake, are the only obstacles of an expensive character met with, from the breaking through the ridge west of St. Joseph river and Cassopolis. The general character of the country is slightly undulating, and in a few instances, broken; has an inclination to the south, a rich fertile soil, and generally well adapted to agricultural purposes; timber, oak openings, occasionally interspersed with belts of valuable timbered land, the ridges on the right gradually receding to the north, forming the high lands on which McIntorter's, Christiana, and some of the tributaries of the Dowagiac, take their rise, respectively making east, south and west. From a point east of Christiana creek, a line was examined diverging from the main line to the south, crossing Christiana creek near James Odell's mills, and intersecting the main line at Geneva. This line was found to increase the distance 21 chains, and in excavation and embankment, 17,574 cubic yards. The district over which this line passes is mostly even, and that portion lying west of Christiana creek covered with valuable timber. From Cassopolis west, much examination was made to enable me to cross the ridges immediately on the west of the village, and descend the western declivity with a favorable grade to the marshes, which make from the base of those ridges in a south and westerly direction. These examinations resulted in determining a route with a grade of 35 87-100 feet per mile, in the descent of the western declivity; from thence to the south end of Barren lake the line traverses a range of marshes, occasionally crossing narrow belts of low plains. The country on either side lying in undulating ridges or wide extended plains and marshes; timber openings; the soil of the plains is sand and gravelly loam, the marshes are of that character, which can readily be retrieved from the present state, to that of producing the finest quality of English grass. From Barren lake to Niles the country is very even, and the last two miles a heavy inclination to the west. From the obstruction met with in the vicinity of Cassopolis, I was induced to make an examination of a more northern route, diverging from the main line a few chains east of Young's prairie, bearing more northerly, passing to the north of Lagrange prairie, (near Lagrange,) crossing McKenney's prairie.

Pocagon prairie, (near Summerville;) thence down the valley of the Dowagiac to Niles. This route has an increased distance of two miles and 29 57-100 chains, with an estimated cost of \$40,731 41-100 more than the Cassopolis route, as will be seen by reference to the estimated cost of sections. This increased cost occurs on sections No. 6 and 7, near Lagrange, and may be avoided by bearing more to the south, crossing the north part of Lagrange prairie, not varying the line as ran, to exceed twenty or thirty chains to the south,—but the increased distance cannot be materially lessened. The country over which this line passes is much the same from the diverging point to Lagrange, as was found on the Cassopolis route. From Lagrange to Niles the country has an even surface, a rich, fertile soil, and variously interspersed with openings, prairie and timbered land; inclination of surface to the north and west.

The Dowagiac, a stream of considerable importance, which makes nearly in a parallel course with the line examined, has several mills in operation, and is capable of furnishing a far greater power than is now used, if properly controlled and applied, and many sites of importance which now remain unimproved, will be of much value to the country when the demands of a dense populated district shall call them into existence.

Through the line abundance of timber is found for all the purposes requisite for the construction of a road, and sawed timber may be obtained at mills not exceeding in any case a distance of eight miles.

In estimating the cost of constructing this route of the southern railroad, the estimates are based upon a single track of railway, with a graded surface of twenty feet, including side ditches, where there is excavation, and fourteen feet wide on embankment, with slopes of one and a half horizontal to one foot vertical.

By reference to the table of grades, it will be seen that the maximum grade does not in any case exceed that established by Mr. Dutton, engineer on the southern railroad. For the greater convenience of describing the character of the soil, timber and face of the country, as well as to show the cost of constructing different parts of the line, I have divided the line into sections of eighty-one chains each, accompanied with tabular views of the estimated cost, together with a table of grades, showing the altitude and depression from the plain of Centerville. Also, a table exhibiting the volume of water (in cubic feet per minute) of the several streams crossed on the route of the examination.

The length of the main line from Centerville, via Lockport, Geneva, Cassopolis, to Niles, is forty miles, thirty-five forty-three one hundredth chains. From Centerville, via Lockport, Lagrange, Summerville, to Niles, is forty-two miles and sixty-five chains—divided into and estimated by sections as follows:

Section No. 1,

Contains 81 chains; commences at station No. 1704, standing on the village plat of Centerville, two chains east of the road leading from Centerville to Constantine, and on line said to have been run by Joseph S. Dutton, engineer, A. D. 1837. Over the first 42 chains the line passes over an even surface, thence crossing the valley of Prairie river, with a grade of 17 1-2 feet above the water, continues over a slight undulating surface, terminating on section 23, town 6 south, of range 11 west, crossing the north-east quarter of section 26. Timber, white, yellow, red, and burr oak. Soil, black sand and gravelly loam.

This section has

14,444 cubic yards of excavation, at 10 cents,	\$1,444 40
5,388 " " embankment, at 9 cents,	484 92
Bridges, 198 feet in length, at \$9 90 per foot run,	1,860 20
Drains,	72 60
Grubbing and clearing,	524 00
Superstructure,	4,000 00
	<hr/>
	\$8,486 12

Section No. 2,

Contains 81 chains; passes over an even surface, has a slight inclination to the west. Timber, white oak. Soil, sandy loam. Terminates on section 22, town 6 south, of range 11 west. Has

6,411 cubic yards of excavation, at 9 cents,	\$576 99
1,622 " " embankment, at 8 cents,	129 76
Grubbing and clearing,	510 00
Superstructure,	4,000 00
	<hr/>
	\$5,216 75

Section No. 3,

Contains 81 chains; traverses an even surface, crossing a narrow ravine lying to the south of St. Joseph lake, and terminates near the head of said lake, on section 21, town 6 south, of range 11 west. Inclination of surface, soil and timber as last described.

Has

1,438 cubic yards of excavation, at 8 cents,	\$115 04
4,958 " " embankment, at 9 cents,	446 22
Drains,	72 60
Grubbing and clearing,	558 00
Superstructure,	4,000 00
	<hr/>
	\$5,191 86

Section No. 4,

Contains 81 chains; at the end of 12 chains, cross a ravine at the head of St. Joseph lake, thence over an even surface, to the last half, which has an undulating surface, to the end of the section; being interspersed with marshes, both on the north and south side of line. These marshes are generally from 20 to 24 feet below the adjacent plains, and in some instances, have the appearance of considerable depth. Soil and timber as last described. This section terminates on section 20, town 6 south, of range 11 west.

Has

4,491 cubic yards of excavation, at 8 cents per yard,	\$359 28
10,633 " " embankment, at 10 "	1,063 30
Drains,	72 60
Grubbing and clearing,	518 00
Superstructure,	4,000 00
	<hr/>
	\$6,013 18

Section No. 5,

Contains 81 chains; over the first 54 chains, is somewhat undulating, and to the north of line, some broken, thence entering improvements over a general even surface, to the end of the section, terminating on the east bank of St. Joseph river, in the village of Lockport, on section 19, town 6 south, of range 11 west. Soil, sand and gravelly loam; timber, oak openings. Has

6,768 cubic yards of excavation, at 9 cents per yard,	\$609 12
11,758 " " embankment, at 12 "	1,410 96
Drains,	106 60
Grubbing and clearing,	498 00
Superstructure,	4,000 00
	<hr/>
	\$6,623 68

Section No. 6,

Contains 81 chains; crosses the St. Joseph river with a grade of 187 feet above the surface of the water. At the end of the first quarter, enter on the table land, on the west side of St. Joseph; thence generally over an even surface, to the end of the section, terminating in improvements on section 24, town 6 south, of range 12 west; soil, black sandy loam; timber, oak shrubs. Has

3,335 cubic yards of excavation, at 8 cents per yard,	\$266 80
19,675 " " embankment, at 18 "	3,541 50
Bridge 396 feet in length, at \$10 80 per foot run,	4,276 80
Drains,	66 00
Grubbing and clearing,	264 00
Superstructure,	4,000 00
	<hr/>
	\$12,415 10

Section No. 7,

Contains 81 chains; over the first 48 chains, the line passes over prairie mostly improved, thence to the end of the section, over a surface broken into small irregular knobs with a general inclination of surface to the south and east; soil, sand and gravelly loam, land highly timbered with oak, mostly shrub, terminates on section 23, town 6 south, of range 12 west. Has

2,709 cubic yards of excavation, at 10 cents per yard,	\$970 90
5,433 " " embankment, at 8 "	434 64
Drains,	66 00
Grubbing and clearing,	300 00
Superstructure,	4,000 00

\$5,771 54

Section No. 8,

Contains 81 chains; lies wholly in a range of ridges which skirt the plains situate on the west side of St. Joseph river; these ridges are broken into irregular knobs, having no particular direction saving that of the general altitude of the country which lies in a northwesterly and southeasterly direction, these knobs varying in altitude from a few feet to more than one hundred above the adjacent plains. This section ascends the eastern acclivity through a ravine with a grade line of 26 76-100 feet per mile; soil, sand and gravelly loam. Over the east half of this section the land is lightly timbered with oak and thickly covered with brush; the west half enters timbered land of beech and maple, and terminates on section 26, town 6 south, of range 12 west. Has

13,527 cubic yards of excavation, at 10 cents per yd,	\$1,352 70
28,980 " " embankment, at 15 cts. "	4,348 35
Drains,	145 20
Grubbing and clearing,	720 00
Superstructure,	4,000 70

\$10,548 25

Section No. 9,

Contains 81 chains; has an undulating and somewhat broken surface over the first half, thence over a more even surface inclined to the south, to the end of the section, which terminates on section 27, town 6 south, of range 12 west; timber, beech, maple, whitewood and basswood; soil, gravelly loam. This section has

17,707 cubic yards of excavation, at 10 cents per yd,	\$1,770 70
10,269 " " embankment, at 8 "	821 52
Drains,	145 20

Carried forward,

\$

Brought forward,	\$	
Grubbing and clearing,		810 00
Superstructure,		4,000 00
		<hr/>
		\$7,547 42

Section No. 10,

Contains 81 chains; passes over a surface slightly undulating, with an inclination to the south and west; soil and timber as last described; land valuable; terminates on section 33, town 6 south, of range 12 west, crossing the southeast quarter of 28. Has		
8,432 cubic yards of excavation, at 9 cents per yard,	\$758	88
9,661 " " embankment, at 10 " "	966	10
Drains,	125	40
Grubbing and clearing,	810	00
Superstructure,	4,000	00
		<hr/>
		\$6,660 38

Section No. 11,

Contains 81 chains; passes over an undulating surface, which has a southern inclination and somewhat broken on the south of line by small lakes; soil, sandy loam; timber, oak openings; terminates on section 32, town 6 south, of range 12 west. Has		
21,100 cubic yards of excavation, at 11 cts. per yard,	\$2,321	00
9,142 " " embankment, at 9 " "	822	78
Drains,	62	70
Grubbing and clearing,	611	00
Superstructure,	4,000	00
		<hr/>
		\$7,817 48

Section No. 12,

Contains 81 chains; has an even surface to the end of the 54th chain, thence crossing the outlet of Grass lake with a grade line of 37½ feet above the creek, terminates 27 chains west of the outlet on section 31, town 6 south, of range 12 west; soil and timber as last described. Has		
27,614 cubic yds. of excavation, at 12 cts. per yd.	\$3,313	68
39,410 " " embankment, at 14 " "	5,517	40
Drains,	268	90
Grubbing and clearing,	390	00
Superstructure,	4,000	00
		<hr/>
		\$13,489 98

Section No. 18,

Contains 81 chains ; the country over which this section passes, both to the north and south of line, is much broken by marshes ; the line generally crossing the narrow ravines connecting the marshes which, in most cases, have their outlets to the south ; soil, sandy loam ; timber, oak openings ; terminates on section 36, town 6 south, of range 13 west. Has

12,707 cubic yds. of excavation, at 10 cts. per yd.	\$1,270 70
51,711 " embankment, at 16 "	8,273 76
Drains,	219 40
Grubbing and clearing,	486 00
Superstructure,	4,000 00

\$14,249 86

Section No. 14,

Contains 81 chains ; surface, undulating ; soil, sand and gravelly loam ; timber, openings ; terminates on section 35, town 6 south, of range 13 west. Has

20,234 cubic yds. of excavation, at 11 cts. per yd.	\$2,226 74
22,609 " embankment, at 9 "	2,034 81
Drains,	172 80
Grubbing and clearing,	390 00
Superstructure,	4,000 00

\$8,830 35

Section No. 15,

Contains 81 chains ; this section lies mostly through timbered land ; surface, undulating, and the west part broken by marshes ; soil rich, of a black, sandy loam ; timber, beech, maple, hickory, oak, elm, and whitewood ; terminates on section 34, town 6 south, of range 13 west, north of Bear lake. Has

6,159 cubic yds. of excavation, at 8 cents,	\$652 72
10,769 " embankment, at 10 cents,	1,076 90
Drains,	66 00
Grubbing and clearing,	726 00
Superstructure,	4,000 00

\$6,521 62

Section No. 16,

Contains 81 chains ; passes through openings ; surface and soil much the same as last described ; terminates on section 33, town 6 south, of range 13 west, near the west end of a small lake lying to the north of the line. Has

16,492 cubic yards of excavation at 10 cents,	\$1,649 20
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Carried forward,

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Brought forward,	\$
19,719 cubic yds. embankment, at 10 cents,	1,971 90
Drains,	209 50
Grubbing and clearing,	507 00
Superstructure,	4,000 00
	<hr/>
	\$6,337 60

Section No. 17,

Contains 81 chains; passes over an undulating surface, crossing a few narrow ravines making to the south, and terminates on section 32, town 6 south, of range 13 west; soil, sand and gravelly loam; timber, openings. Has

27,041 cubic yards of excavation, at 12 cents,	\$3,244 92
1,212 " embankment, at 8 cents,	96 96
Grubbing and clearing,	486 00
Superstructure,	4,000 00
	<hr/>
	\$7,827 88

Section No. 18,

Contains 81 chains; nine chains from the commencement of this section the line crosses the outlet of Lilly lake, with a grade line of 322 feet above the outlet, thence over an undulating surface to the end of the section; soil and timber as last mentioned; terminates on section 31, town 6 south, of range 13 west. Has

11,715 cubic yards of excavation, at 9 cents,	\$1,054 35
21,107 " embankment, at 12 cents,	2,532 84
Drains,	394 30
Grubbing and clearing,	411 00
Superstructure,	4,000 00
	<hr/>
	\$8,592 49

Section No. 19,

Contains 81 chains; has an undulating surface with an inclination to the south and west; soil, sand and gravelly loam; timber, openings; this section terminates on section 25, town 6 south, of range 14 west, about ten chains west of corner of sections 31, 36, 25, and 30, ranges 13 and 14 west. Has

10,766 cubic yards of excavation, at 10 cents,	\$1,076 60
11,328 " embankment, at 10 cents,	1,132 80
Drains,	178 20
Grubbing and clearing,	450 00
Superstructure,	4,000 00
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	\$6,837 60

Section No. 20,

Contains 81 chains; the first 48 chains passes over a broken surface inclined to the south and west; thence to the end of the section over an even surface; soil, loam; timber, openings. 48 chains from the commencement of this section, a line diverging from the main line was run, crossing Christiana creek near James Odell, and intersecting the main line at Geneva. This section terminates on section 26, town 6 south, of range 14 west. Has

18,071 cubic yards of excavation, at 11 cents,	\$1,987 81
6,526 " embankment, at 9 cents,	587 34
Drains,	217 80
Grubbing and clearing,	468 00
Superstructure,	4,000 00
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	\$7,260 95

Section No. 21,

Contains 81 chains; over the first 51 chains, has an even surface; thence crossing the valley of Christiana creek with a grade line of 25.9 feet above the water; continues over a general even surface to its termination, being on section 27, town 6 south, of range 14 west; soil, sandy loam; timber, east of creek, openings; on west side, beech, maple, basswood, oak, and ash. Has

14,176 cubic yards of excavation, at 10 cents,	\$1,417 60
11,579 " embankment, at 10 cents,	1,157 90
Bridge 198 feet in length, at \$9 90 per foot run,	1,860 20
Grubbing and clearing,	426 00
Superstructure,	4,000 00
	<hr/>
	\$8,861 70

Section No. 22,

Contains 81 chains; the first 33 chains passes over improvements and timbered land, thence entering on Young's prairie, terminating on section 28, township 6 south of range 14 west; surface, even and inclining to the south and east; soil, black, sandy loam; timber, as last described. Three chains from the east end of this section, in a line diverging to the north, passing through Lagrange and down the valley of Dowagiac to Niles, was examined, as seen in another part of this report. This section has

14,518 cubic yards of excavation, at 10 cents,	\$1,451 80
5,445 " embankment, at 8 cents	435 60
Drains,	62 70
Grubbing and clearing,	126 00
Superstructure,	4,000 00
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	\$6,076 10

Section No. 23,

Contains 81 chains; passes along the south border of Young's prairie, over an even surface, inclined to the south, and terminates on section 29, township 6 south, of range 14 west, on the west border of the prairie, near Mr. Bough's house; soil, black, sandy loam. This prairie, in area, is about two by three miles square, skirted on the east, north and west, by heavy and valuable timbered land, and on the south, by a large open marsh, which the inhabitants are about retrieving by draining. This prairie, in quality of soil, I think the richest I have met with in Michigan.

This section has

4,032 cubic yds. of excavation, at 8 cts.	\$322 56
5,893 " " embankment, at 8 cts.	471 44
Drains,	62 70
Grubbing and clearing,	180 00
Superstructure,	4,000 00

\$5,036 70

Section No. 24,

Contains 81 chains; passes through heavy timbered land, (surface, even,) and terminates on section 30, township six south, of range fourteen west, about thirty chains west of the section line which passes through the village of Geneva, the surveyed line passing quite on the north part of the village plat. The land over which this section passes has a rich, valuable soil, with a gentle inclination to the south. Has

6,383 cubic yds. excavation, at 9 cts.	\$574 47
7,490 " " embankment at 9 cts.	674 10
Drains,	105 60
Grubbing and clearing,	810 00
Superstructure,	4,000 00

\$6,164 17

Section No. 25,

Contains 81 chains; through heavy timbered land, surface somewhat rolling, and has an inclination to the south and east; soil, gravelly loam, and some clay; timber, beech, maple, oak, elm, ash, basswood and whitewood. This section terminates on section 25, township six south, of range fifteen west, and has

5,866 cubic yds. excavation, at 9 cts.	\$527 94
5,615 " " embankment, at 9 cts.	505 35
Drains,	62 70
Grubbing and clearing,	810 00
Superstructure,	4,000 00

\$5,905 99

Section No. 26,

Contains 81 chains; passes over an undulating surface; has a descending grade from the summit of the ridge lying between Geneva and Cassopolis, to nine chains west of the village of Cassopolis; thence an ascending grade to the summit of the ridge situate on the west of the village. These ridges abound with loose boulders, which ultimately must be of value to the country. On the north of the village these ridges are united, and make in a northeast direction, forming the high lands in which some of the tributaries of the Dowagiac take their rise, and also covered with valuable timber. Over the first 36 chains of this section, the line passes through timbered lands, thence through openings to the end of the section, terminating on section 26, township six south, of range fifteen west. The soil of the timbered land, as last described—of the openings, sand and gravelly loam. Has

19,046 cubic yds. of excavation, at 12 cts.	\$2,285 52
17,131 " " embankment, at 12 cts.	2,055 72
Grubbing and clearing,	504 00
Drains,	155 00
Superstructure,	4,000 00
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	\$9,000 24

Section No. 27,

Contains 81 chains; passes over a broken surface on the west declivity of the ridge lying to the west of Cassopolis, and terminates on section 34, township six south, of range fifteen west; about 34 chains southwest of the corner of section thirty-four, twenty-six, twenty-seven and thirty-five. Soil, gravelly loam; timber, openings. Has

28,173 cubic yds. of excavation, at 12 cts.	\$3,380 76
35,021 " " embankment, 13 "	4,552 73
Drains,	146 80
Grubbing and clearing,	486 00
Superstructure,	4,000 00
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	\$12,566 29

Section No. 28,

Contains 81 chains; passes along the south border of an extensive open marsh, over a slight undulating surface, inclined to the north, and terminates on section 33, town 6 south, of range 15 west. Soil, sandy loam; timber, openings. Has

13,131 cubic yds. of excavation, at 10 cts.	\$1,313 10
6,563 " embankment, at 8 cts.	525 04
Drains,	125 40
	<hr/>

Carried forward,

\$

Brought forward,	\$	
Grubbing and clearing,		393 00
Superstructure,		4,000 00
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		\$6,356 54

Section No. 29,

Contains 81 chains ; over the first 24 chains the line passes along the face of plains, near border of open marsh, thence 30 chains, across spur of marsh, from which point to the end of the section, has an undulating surface : crossing two narrow points of marshes, terminates on section 5, town 7 south, of range 15 west.

Has

10,356 cubic yds. of excavation, at 8 cts.	\$828 48
3,019 " embankment, at 10 cts.	301 90
Drains,	66 00
Grubbing and clearing,	201 00
Superstructure,	4,000 00
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\$5,397 38

Section No. 30,

Contains 81 chains ; over the first 24 chains, the line has an even surface, thence crossing a marsh, near J. Doux, 15 chains in width; from which point to the end of the section, passes over an even surface, terminating on section 5, town 7 south, of range 15 west.

Soil, sandy loam ; timber, openings. Has

16,632 cubic yards of excavation, at 10 cts.	\$1,663 20
5,620 " embankment, at 8 cts.	459 60
Drains,	62 70
Grubbing and clearing,	282 00
Superstructure,	4,000 00
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\$6,477 50

Section No. 31,

Contains 81 chains ; the first half of this section passes over plains along the southeast border of an open marsh, thence through a dry marsh to the end of the section, terminating on section 7, town 7 south, of range 15 west. Soil, loam and muck. This section has

5,154 cubic yards of excavation, at 8 cts.	\$412 32
2,127 " embankment, at 8 cts.	170 16
Drains,	33 00
Grubbing and clearing,	168 00
Superstructure,	4,000 00
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\$4,783 48

Section No. 32,

Contains 81 chains; this section continues through a chain of marshes, occasionally crossing narrow points of hard land, and terminates on section 13, town 7 south, of range 16 west. Through this chain of marshes, Silver creek makes its course to its junction with Kinsey creek. The country to the north of line, is high and broken; on the south, plains and marshes; soil and timber as last described. Has

17,807 cubic yards of excavation, at 10 cts.	\$1,780 70
807 " " embankment, at 8 cts.	64 56
Grubbing and clearing,	69 00
Superstructure,	4,000 00
	<hr/>
	\$5,914 26

Section No. 33,

Contains 81 chains; continues down the valley of Silver creek mostly through marsh, and terminates on section 26, in the north west corner of town 7 south, of range 16 west; country as last described. Has

28,649 cubic yards of excavation, at 12 cents,	\$3,437 88
Grubbing and clearing,	153 00
Superstructure,	4,000 00
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	\$7,590 88

Section No. 34,

Contains 81 chains; continues down the valley of Silver creek to within six chains of the end of the section, where the creek bears off to the north. The line leaving the valley terminates on a point of hard land, on section 23, township seven south, of range sixteen west. Country even; soil, sandy loam, marshes, muck; timber openings. Has

8,790 cubic yards of excavation, at 8 cents,	\$703 20
834 " " embankment, at 8 cents,	66 72
Drains,	62 70
Grubbing and clearing,	114 00
Superstructure,	4,000 00
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	\$4,946 62

Section No. 35,

Contains 81 chains; the first twenty-seven chains passes over even plains, thence mostly through marsh, passing to the south of Mud lake, terminates near road leading to Niles, opposite of Mrs. Gallop's on section 22, township seven south, of range sixteen west. Has

14,191 cubic yards of excavation, at 9 cents,	\$1,277 19
53 " " embankment, at 8 cents,	4 24
Drains,	33 00
Grubbing and clearing,	324 00
Superstructure,	4,000 00
	<hr/>
	\$5,638 42

Section No. 46,

Contains 81 chains; this section lies mostly through openings, passes through a narrow neck of a large tamarac swamp, which lies on the south; surface, even; soil, rich sand and gravelly loam, terminates on section township south, of range west. Has

9,049 cubic yards of excavation, at 9 cents,	\$813 60
1,409 " " embankment, at 8 cents,	112 72
Drains,	33 00
Grubbing and clearing,	462 00
Superstructure,	4,000 00
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	\$5,421 32

Section No. 37,

Contains 81 chains; passes through openings near the south point of Barren lake; surface and soil, much the same as last described; terminates on section township south, of range west, and has

5,730 cubic yards of excavation, at 8 cents,	\$459 12
2,786 " " embankment, at 8 cents,	222 88
Drains,	33 00
Grubbing and clearing,	405 00
Superstructure,	4,000 00
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	\$5,120 00

Section No. 38,

Contains 81 chains; passes through openings; surface, mostly even, the centre broken by a deep ravine; soil, sand and gravelly loam, terminating on Samuel Willard's farm, on section township south, of range west. Has

16,892 cubic yards of excavation, at 10 cents,	\$1,689 20
20,953 " " embankment, at 12 cents,	2,514 36
Grubbing and clearing,	300 00
Superstructure,	4,000 00
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	\$8,503 56

Section No. 39,

Contains 51 chains; the east part of this section passes through improved farms, thence through a black ash swamp 45 chains in width, and terminates in timbered openings, on section township south, of range west; surface and soil, much the same as last mentioned. Has

8,793 cubic yds. of excavation, at 8 cts.	\$703 44
12,027 " embankment, at 13 cts.	1,563 51
Drains,	62 70
Grubbing and clearing,	270 00
Superstructure,	4,000 00
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	\$6,599 65

Section No. 40,

Contains 76 13-100 chains—lies on the section line between section twenty-five, thirty-six, thirty-five, twenty six, enters on the village plat of Niles, at the corner of the above named sections; from thence on section line to termination on the east bank of St. Joseph river, on T. K. Green's land, with an altitude of 52.6 feet above the water, and 131.3 feet below the plain of Centerville. Face of the country even; surface, inclined to the west, the soil sandy loam, timber openings. Has

66,256 cubic yds. of excavation, at 18 cts.	\$11,926 08
6,468 " embankment, at 8 cts.	517 44
Grubbing and clearing,	216 00
Superstructure,	3,774 32
	<hr/>
	\$16,433 84

TABULAR STATEMENT OF SECTIONS.

No. of section.	Length of section in chains.	Cubic yards of excavation.	Price per yd. cu.	Amount.	Cubic yards of embankment.	Price per yd. cu.	Amount.	Bridges.	Drains.	Grubbing and clearing.	Superstructure.	Total.
1	81 1444 4	10	\$1444 40	\$1444 40	5388 9	9	\$484 92	\$1960 20	\$72 60	\$524	\$4000 00	\$8486 12
2	81 6411 9	9	576 99	576 99	1622 8	8	129 76			510	4000 00	5216 75
3	81 1438 6	6	115 04	115 04	4958 9	9	446 22		72 60	558	4000 00	5191 86
4	81 4491 8	8	359 28	359 28	10633 10	10	1063 30		72 60	518	4000 00	6013 18
5	81 6768 9	9	609 12	609 12	11758 12	12	1410 96		105 60	498	4000 00	6623 68
6	81 3335 8	8	266 80	266 80	19675 18	18	3541 50	4276 80	66 00	264	4000 00	12415 10
7	81 9709 10	10	970 90	970 90	5433 8	8	434 64		145 20	702	4000 00	5771 54
8	81 13527 10	10	1352 70	1352 70	28989 15	15	4348 35		145 20	810	4000 00	10548 25
9	81 17707 10	10	1770 70	1770 70	10269 8	8	821 52		125 40	810	4000 00	7547 42
10	81 8432 9	9	758 88	758 88	9661 10	10	966 10		62 70	611	4000 00	6660 38
11	81 21100 11	11	2321 00	2321 00	9142 9	9	822 78		268 90	390	4000 00	7817 48
12	81 27614 12	12	3313 68	3313 68	39410 14	14	5517 40		219 40	486	4000 00	13489 98
13	81 12707 10	10	1270 70	1270 70	51711 16	16	8273 76		179 80	390	4000 00	14249 86
14	81 20234 11	11	2225 74	2225 74	22609 9	9	2034 81		68 00	726	4000 00	8830 35
15	81 8159 8	8	652 72	652 72	10769 10	10	1076 90		209 50	507	4000 00	6521 62
16	81 16492 10	10	1649 20	1649 20	19719 10	10	1971 90		394 30	411	4000 00	8337 60
17	81 27041 12	12	3244 92	3244 92	1212 8	8	96 96			486	4000 00	7827 89
18	81 11715 9	9	1054 35	1054 35	31107 12	12	3732 84		178 20	450	4000 00	9592 49
19	81 10766 10	10	1076 60	1076 60	11328 10	10	1132 80				4000 00	6837 60

HOUSE DOCUMENTS.

20	81	1807	111	1987	81	6526	9	587	34	1960	20	217	80	468	4000	00	7260	95		
21	81	1417	10	1417	60	11579	10	1157	90					426	4000	00	8961	70		
22	81	1451	10	1451	80	5445	8	435	60			62	70	126	4000	00	6076	10		
23	81	4032	6	322	56	5893	9	471	44			62	70	180	4000	00	5036	70		
24	81	6383	9	574	47	7490	9	674	10			105	60	810	4000	00	6164	17		
25	81	5866	9	527	94	5615	9	505	35			62	70	810	4000	00	5905	99		
26	81	1904	6	2265	52	1713	12	2055	72			155	00	504	4000	00	9000	24		
27	81	2817	12	3380	76	3502	13	4552	73			146	80	486	4000	00	12566	29		
28	81	1313	10	1313	10	6563	8	525	04			125	40	393	4000	00	6856	54		
29	81	1035	6	828	48	3019	10	301	90			66	00	201	4000	00	5397	38		
30	81	1683	10	1683	20	5620	8	449	60			62	70	282	4000	00	6477	50		
31	81	1514	8	412	32	2127	8	170	16			33	00	168	4000	00	4783	48		
32	81	1780	7	1780	70	807	6	64	56					69	4000	00	5014	26		
33	81	2864	9	3437	88									153	4000	00	7590	88		
34	81	87	0	703	20	834	8	66	72			62	70	114	4000	00	4946	62		
35	81	1419	9	1277	19	53	8	4	24			33	00	324	4000	00	5638	43		
36	81	9040	9	813	60	1409	8	112	72			33	00	462	4000	00	5421	32		
37	81	5739	8	459	12	2786	8	222	88			33	00	405	4000	00	5120	00		
38	81	1689	10	1689	20	2095	12	2514	36					300	4000	00	8503	56		
39	81	8793	8	703	44	12027	13	1563	51			62	70	270	4000	00	6599	65		
40	81	6625	6	11926	08	6468	8	517	44					216	3774	22	16433	84		
																	\$159774	32	\$308134	74

ESTIMATE OF GRADES.

No. of grade.	Grade per mile in feet.	Ascent in feet.	Descent in feet.	Length of grade in miles and chains.	Elevation above the plain of Centerville in feet.	Depression below the plain of Centerville in feet.	Distance from Centerville in miles in chains.
1	15.44		11.0	.57		11.0	.57
2	38.33	23.0		.48	12.0		1.25
3	28.66		15.0	.45		3.0	1.70
4	21.81	9.0		.33	6.0		2.23
5	9.25		16.8	1.67		10.8	4.10
6	4.33	2.5		.48		8.3	4.58
7	31.20		11.7	.30		20.0	5.08
8	level			.06		20.0	5.14
9	31.00	9.3		.24		10.7	5.38
10	6.33	5.7		.72		5.0	6.30
11	36.76	64.8		1.61	59.8		8.11
12	4.00	3.0		.60	62.8		8.71
13	6.22		2.8	.36	60.0		9.27
14	34.66	18.2		.42	78.2		9.69
15	33.22		12.9	.27	65.3		10.16
16	18.70	19.4		1.03	84.7		11.19
17	23.80		23.5	.79	61.2		12.18
18	level			.54	61.2		12.72
19	36.70	46.8		1.22	108.0		14.14
20	12.42		10.8	.63	97.2		14.77
21	36.21	21.7		.48	118.9		15.45
22	level			.60	118.9		16.25
23	40.00		12.0	.24	106.9		16.49
24	18.66	6.3		.27	113.2		16.76
25	34.80		26.1	.60	87.1		17.56
26	21.17	13.5		.51	100.6		18.27
27	23.70		40.0	1.55	60.6		20.02
28	24.24	10.0		.33	70.6		20.35
29	19.33		17.4	.72	53.2		21.27
30	14.50	13.6		.75	66.8		22.22
31	24.33		7.3	.24	59.5		22.46
32	4.72	6.2		1.25	65.7		23.71
33	10.66	5.2		.39	70.9		24.30
34	17.81	16.7		.75	87.6		25.25
35	36.29		24.5	.54	63.1		25.79
36	39.42	20.7		.42	83.8		26.41
37	35.87		44.4	1.19	39.4		27.60
38	22.40		29.4	1.25	10.0		29.05
39	6.57		10.6	1.49		.6	30.54
40	27.52		32.0	1.13		32.6	31.67

ESTIMATE OF GRADES.

No. of grade.	Grade per mile in feet.	Ascent in feet.	Descent in feet.	Length of grade in miles and chains.	Elevation above the plain of Centerville in feet.	Depression below the plain of Centerville in feet.	Distance from Centerville in miles and chains.
41	9.06		29.9	8.24		62.5	85.11
42	22.22	7.5		.27		55.0	35.38
43	8.35		4.9	1.37		59.9	36.75
44	22.43	14.3		.51		45.6	37.46
45	level			.57		45.6	38.23
46	39.40		84.9	2.12 $\frac{2}{100}$		130.5	40.85 $\frac{2}{100}$

Section No. 1.

Contains 81 chains; diverges from the main line at a point three chains west of the east end of section 22; the east end of this section lies through timbered land, enters Young's prairie 30 chains west of the east end. Surface generally even, inclining to the south and east; soil, black sandy loam; terminates on section 28, town 6 south, of range 14 west. Has

9,649 cubic yards of excavation, at 10 cts.	\$964 90
5,269 " embankment, at 10 cts.	526 90
Grubbing and clearing,	165 00
Superstructure,	4,000 00
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	\$5,856 80

Section No. 2.

Contains 81 chains; passes through Young's prairie; surface and soil the same as last mentioned; terminates on section 20, town 6 south of range 14 west. Has

2,669 cubic yards of excavation, at 8 cts.	\$213 52
4,568 " embankment, at 8 cts.	365 44
Superstructure,	4,000 00
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	\$4,518 96

Section No. 3.

Contains 81 chains; the east end passes through Young's prairie, and enters heavy timbered land 37 chains west of the east end of the section; surface undulating; soil, rich black sandy loam; timber, beech, sugar maple, basswood, elm and ash; terminates on section 19, town 6 south, of range 14 west. Has

34,741 cubic yards of excavation, at 13 cts.	\$4,516 33
5,246 " embankment, at 8 cts.	419 68
Grubbing and clearing,	485 00
Superstructure,	4,000 00
	<hr/>
	\$9,371 01

Section No. 4.

Contains 81 chains: lies through heavy timber land; surface and soil the same as last mentioned; terminates on section 24, town 6 south, of range 15 west. Has

6,971 cubic yards of excavation, at 10 cts.	\$697 10
13,054 " embankment, at 12 cts.	1,566 48
Drains,	135 30
Grubbing and clearing,	810 00
Superstructure,	4,000 00
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	\$7,408 88

Section No. 5,

Contains 81 chains; lies through heavy timbered land; surface generally even; soil, sand and gravelly loam; the timber the same as last described; terminates on section 28, town 6 south, of range 15 west. Has

10,245 cubic yards of excavation, at 10 cts.	\$1,024 50
13,679 " embankment, at 12 cts.	1,641 48
Drains,	204 60
Grubbing and clearing,	810 00
Superstructure,	4,000 00
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	\$7,680 58

Section No. 6,

Contains 81 chains; lies mostly through heavy timbered land; passes through Mr. Wheeler's improvements, near the west end of the section, and terminates near the north-east corner of La-grange prairie, on section 15, town 6 south, of range 15 west; surface generally even, with a heavy inclination to the west and north. Soil, sand and gravelly loam. Has

23,537 cubic yards of excavation, at 13 cts.	\$3,059 81
126,228 " embankment, at 15 cts.	18,934 20
Drains,	
Grubbing and clearing,	535 00
Superstructure,	4,000 00
	<hr/>
	\$28,529 01

Section No. 7,

Contains 81 chains; passes through the northeast end of La-grange prairie, near the commencement; thence through heavy timbered land, terminating in oak openings, on section 16, town 6 south, of range 15 west. Surface, generally even; soil, sand and gravelly loam. Has

4,982 cubic yards of excavation, at 8 cts.	\$398 56
109,897 " embankment, at 16 cts.	19,781 48
Drains,	62 70
Grubbing and clearing,	564 00
Superstructure,	4,000 00
	<hr/>
	\$24,806 72

Section No. 8,

Contains 81 chains; lies mostly through openings, passing near the centre of the section, a wet marsh, nine chains in width; surface and soil the same as last mentioned; terminates on the east

edge of McKinney's prairie, on section 17, town 6 south, of range 15 west. Has

5,008 cubic yards of excavation, at 8 cts.	\$400 64
7,010 " embankment, at 13 cts.	911 30
Drains,	72 60
Grubbing and clearing,	322 00
Superstructure,	4,000 00

\$5,706 54

Section No. 9,

Contains 81 chains; passes through McKinney's prairie, terminating on the westerly edge of said prairie, on section 18, township six south, of range fifteen west; surface even, inclining to the south and west; soil, rich black sandy loam. Has

8,359 cubic yards of excavation, at 8 cts.	\$268 72
11,642 " embankment, at 11 cts.	1,280 52
Drains,	99 00
Superstructure,	4,000 00

\$5,648 34

Section No. 10,

Contains 81 chains; lies through heavy timbered land; soil and surface the same as last mentioned; timber, black walnut, sugar maple, beech, ash, elm and basswood; terminates on section 13, township six south, of range sixteen west. Has

18,031 cubic yards of excavation, at 10 cts.	\$1,803 10
5,258 " embankment, at 8 cts.	420 64
Drains,	62 70
Grubbing and clearing,	390 00
Superstructure,	4,000 00

\$6,676 44

Section No. 11,

Contains 81 chains; lies through heavy timbered land; surface generally even, inclining to the north; soil, rich sand and gravelly loam; timber, sugar maple, beech, whitewood and basswood; terminates on the east part of section 23, township six south, of range sixteen west. Has

21,314 cubic yards of excavation, at 10 cts.	\$2,131 40
2,918 " embankment, at 8 cts.	233 44
Drains,	99 00
Grubbing and clearing,	774 00
Superstructure,	4,000 00

\$7,237 84

Section No. 12,

Contains 81 chains; lies mostly through timbered land, terminating on the east edge of improved farm, on the northeast corner of section 26, township six south, of range sixteen west; surface, undulating, inclining to the north and east; soil, sand and gravelly loam. Has

11,285 cubic yards of excavation, at 8 cts.	\$901 20
20,081 " embankment, at 18 cts.	2,611 83
Drains,	122 00
Grubbing and clearing,	778 00
Superstructure,	4,000 00
	<hr/>
	\$8,413 03

Section No. 13,

Contains 81 chains; this section lies through timbered openings, passing on a narrow neck of hard land, between two large open marshes on the north and south, near the centre of the section; surface, even; soil, sand and gravelly loam; terminates on the west side of section 27, township six south, of range sixteen west. Has

5,043 cubic yards of excavation, at 8 cts.	\$403 44
21,409 " embankment, at 15 cts.	3,211 35
Drains,	146 80
Grubbing and clearing,	493 00
Superstructure,	4,000 00
	<hr/>
	\$8,254 59

Section No. 14,

Contains 81 chains; the first sixty chains of this section, passes through openings, then enters the valley of Putnam's creek, which valley is six chains wide; the remainder of the section passes through timbered openings. Putnam's creek is twenty-two links wide and 1.6 feet deep; surface, even; soil, a rich sand and gravelly loam; terminates on section 28, township six south, of range sixteen west. Has

12,711 cubic yards of excavation, at 8 cts.	\$1,016 88
14,976 " embankment, at 12 cts.	1,797 12
One bridge, 66 feet in length, \$8 per foot run,	528 00
Drains,	33 00
Grubbing and clearing,	372 00
Superstructure,	4,000 00
	<hr/>
	\$7,747 00

Section No. 15,

Contains 81 chains; the first 57 chains lies through openings, at which point enters Pocagon prairie, terminating on N. Putnam's farm, on section 32, town 6 south, of range 16 west, about one half mile southeast of the village of Summerville; surface, even; soil, black sandy loam. Has

1,458 cubic yards of excavation, at 8 cts.	\$116 64
3,060 " embankment, at 9 cts.	329 40
Grubbing and clearing,	252 00
Superstructure,	4,000 00
	<hr/>
	\$4,698 04

Section No. 16,

Contains 81 chains; the first 60 chains lies through Pocagon prairie, the remainder passes through heavy timbered land; surface and soil as last mentioned; terminates on section 6, town 7 south, of range 16 west. Has

8,352 cubic yards of excavation, at 8 cts.	\$668 16
11 " embankment, at 8 cts.	88
Grubbing and clearing,	230 00
Superstructure,	4,000 00
	<hr/>
	\$4,996 04

Section No. 17,

Contains 81 chains; lies through heavy timbered land; terminates on the west bank of Kinsey creek. This creek lies 18 feet below the grade line; surface generally even; soil, rich sandy loam; timber, beech, sugar maple, whitewood, basswood, and ash; terminates on the northwest corner of section 7, town 7 south, of range 16 west. Has

2,123 cubic yards of excavation, at 8 cents,	\$169 84
8,866 " " embankment, at 10 cents,	886 60
One bridge,	162 80
Grubbing and clearing,	810 00
Superstructure,	4,000 00
	<hr/>
	\$6,029 24

Section No. 18,

Contains 81 chains; lies through heavy timbered land; surface and soil as last mentioned; terminates on section 12, town 7 south, of range 17 west. Has

HOUSE DOCUMENTS

435

4,752 cubic yards of excavation, at 9 cents,	\$427 68
1,748 " " embankment, at 8 cents,	139 84
Grubbing and clearing,	810 00
Superstructure,	4,000 00
	<hr/>
	\$5,377 52

Section No. 19,

Contains 81 chains; lies through heavy timbered land; surface even; soil, sandy loam; timber, sugar maple, beech, whitewood and ash; terminates on the south part of section 13, town 7 south, of range 17 west. Has

5,753 cubic yards of excavation, at 9 cents,	\$517 77
3,216 " " embankment, at 8 cents,	257 28
Drains,	33 00
Grubbing and clearing,	810 00
Superstructure,	4,000 00
	<hr/>
	\$5,618 05

Section No. 20,

Contains 81 chains; lies mostly through timbered land, bordering on the west side of a large open marsh; surface and soil the same as last mentioned; terminates on the southeast quarter of section 23, town 7 south, of range 17 west. Has

7,500 cubic yards of excavation, at 9 cents,	\$702 00
1,089 " " embankment, at 8 cents,	87 12
Grubbing and clearing,	708 00
Superstructure,	4,000 00
	<hr/>
	\$5,497 12

Section No. 21,

Contains 101 chains; passes over an even surface, inclined to the west, enters on the village plat of Niles, at the north end of Eighth street, crossing the lots nearly diagonally, to the corner of Sixth and Sycamore streets, which is the termination of a straight of 4 7-80ths miles in length; from the corner of Sixth and Sycamore streets to the termination of the section, which is on the east bank of St. Joseph river, lot 63, corner of Spring and Broadway, the line has a curve of 2,267 feet radius, and the line terminated with the view of crossing the river, with an altitude of 52.6 feet above the water and 131.3 feet below the plane of Centreville. This section has

12,409 cubic yards of excavation, at 10 cents,	\$1,240 90
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Carried forward,

\$

HOUSE DOCUMENTS.

Brought forward,
1,114 cubic yards of embankment, at 8 cents,
Grubbing and clearing,
Superstructure,

\$ 89 12
345 00
4,987 65

\$6,662 67

TABULAR STATEMENT OF SECTIONS.

No. of section.	Length of section in chains.	Cubic yards of excavation.	Price per yard, cu.	Amount.	Cubic yards of embankment.	Price per yard, cu.	Amount.	Bridges.	Ditches.	Grading and clearing.	Superstructure.	Total amount.
1	81	9649 10		\$964 90	5269 10		\$526 90			\$165	\$4000 00	\$5656 80
2	81	2669 8		213 52	4568 8		365 44				4000 00	4578 96
3	81	34741 13		4516 33	5246 8		419 68			435	4000 00	9371 01
4	81	8971 10		897 10	13054 12		1566 48		\$135 30	810	4000 00	7408 88
5	81	10245 10		1024 50	13679 12		1641 48		204 60	810	4000 00	7680 58
6	81	23537 13		3759 81	126228 15		18934 20			535	4000 00	26529 01
7	81	4982 9		399 56	10997 18		19781 46		63 70	564	4000 00	24806 72
8	81	5008 8		400 64	7010 13		911 30		72 60	322	4000 00	5706 54
9	81	3359 8		268 72	11642 11		1280 62		99 00		4000 00	5648 34
10	81	18031 10		1803 10	5259 6		420 64		62 70	390	4000 00	6676 44
11	81	21314 10		2131 40	2918 8		238 44		99 00	774	4000 00	7237 84
12	81	11265 8		901 20	20091 13		2611 83		122 00	778	4000 00	8413 03
13	81	5043 8		403 44	21409 15		3211 35		146 80	493	4000 00	8254 59
14	81	12711 8		1016 88	14976 12		1797 12	528 00	33 00	373	4000 00	7747 00
15	81	1458 8		116 64	3860 9		329 40			252	4000 00	4698 04
16	81	8352 8		668 16	11 8					230	4000 00	4899 04
17	81	2123 8		169 84	8696 10		896 60	162 80		810	4000 00	6029 24
18	81	4752 9		427 68	1748 8		139 84			810	4000 00	5377 52

TABULAR STATEMENT OF SECTIONS—Continued.

No. of section.	Length of section in chains.	Cubic yards of excavation.	Price per yd. cts.	Amount.	Cubic yards of embankment.	Price per yd. cts.	Amount.	Bridges.	Drains.	Grubbing and clearing.	Superstructure.	Total.
19	81	5753	9	\$517 77	3216	8	\$257 28		\$33 00	\$810	\$4000 00	\$5618 05
20	81	7800	9	\$702 00	351089	8	\$3 87 12		65 10	35 708	4000 00	\$5497 12
21	101	12409	10	\$1240 90	11114	8	\$15 89 12		160 00	345	\$44987 65	\$6662 67
									15 80	253		
				\$21843 09	380949		\$55492 18	\$690 80	\$1070 70	\$10413	\$84987 65	\$174497 42

ESTIMATE OF GRADES.

No. of grade.	Grade per mile in feet.	Ascent in feet.	Descent in feet.	Length of grade in miles and chains.	Elevation above the plain of Centerville in feet.	Depression below the plain of Centerville in feet.	Distance from Centerville in miles and chains.
1	18.40	20.7		1.10	73.9		1.10
2	3.16	1.9		.48	75.8		1.58
3	50.83		12.5	.48	63.3		1.26
4	30.26	45.4		1.40	108.7		3.66
5	27.64		31.1	1.10	77.6		4.78
6	39.20		73.5	1.70	4.1		6.66
7	22.00		19.7	.72		15.6	7.58
8	35.05	18.4		.42	2.8		8.20
9	level.			1.16	2.8		9.36
10	19.43	10.2		.42	13.0		9.78
11	28.78		99.7	4.16		86.7	14.14
12	9.87		13.7	1.81		100.4	15.45
13	7.81		8.3	1.07		109.9	16.52
14	9.11	4.1		.36		104.8	17.06
15	2.71		7.8	3.46		112.6	20.56
16	54.66		22.1	.65		134.7	21.41

Table showing the quantity of water running in the following named streams.

Rivers.	Date of measurement.	Breadth of stream in feet and tenths.	Average depth in feet and tenths.	Surface velocity in feet per minute.	Amount in cubic feet per minute.
Prairie river,	17th July, 1838.	29.48	1.74	129.83	6054.23
St. Joseph river,	19th July, 1838.	258.72	2.28	103.08	55277.27
Christiana creek,	3d Aug. 1838.	10.56	1.10	123.75	1306.80
					62638.30

One eleventh is deducted from the measurement for friction.

Aggregate amount of tabular Tables.

Number of sections,	40	
Total distance in miles and chains,	40.35 ⁴⁵ / ₁₀₀	
Cubic yards of excavation,	573,985	
Price per yard,		
Amount,		\$64,009 60
Cubic yards of embankment,	462,759	
Price per yard,		
Amount,		55,260 73
Bridges,		8,197 20
Drains,		3,774 80
Grubbing and clearing,		17,118 00
Superstructure,		159,774 32
<hr/>		
Total amount,		\$308,134 74
Add 10 per cent for contingencies,		30,813 47
<hr/>		

Making an aggregate amount of, \$338,948 21

Distance, 40 miles and 35 ⁴⁵/₁₀₀ chains, at \$8,399 30 ¹/₂ per mile.

In conclusion, permit me to express my high regard to the inhabitants in general for their timely aid and many favors, and particularly to the committee who accompanied the examination, for their active services and courtesy shown throughout the survey, also to the commissioner, whose benevolent attention, in time of severe sickness of myself and company, demands the high consideration of your obedient servant.

All which is respectfully submitted.

ERASTUS HURD, *Engineer.*

(No. 25.)

Report of the committee appointed to investigate the affairs and condition of the Bank of Macomb county and Oakland county bank.

Detroit, February 15, 1839.

To the Honorable the Senate and House of Representatives.

The committee appointed by a joint resolution of the legislature, to examine into the affairs and condition of the Bank of Macomb county and Oakland county bank, have the honor to communicate a report in part of the result of their investigation, which is herewith transmitted.

Very respectfully,

A. FELCH,
K. PRITCHETTE.

REPORT, &c.

In compliance with the joint resolution of the legislature of February instant, the undersigned visited the banking-house of the Oakland county bank, on the 6th day of the present month, and made an examination into the affairs and condition of the said institution.

This bank purports to have been organized under the provisions of a charter granted by the legislature of this state, approved March 28, 1836, entitled "An act to incorporate the Oakland county bank."

The following statement of the affairs and condition of the institution was furnished to the undersigned; by the officers in charge of the bank at the time of examination, viz:

Statement of the affairs and condition of the Oakland county bank.

Liabilities.

Capital stock paid in,	\$20,000 00
Due depositors,	1,863 62
Discounts received,	506 11
Circulation,	4,681 00
	<hr/>
	\$26,850 73

Assets.

Checks and drafts,	\$878 95
Specie and notes of other banks,	675 84
Bills discounted,	6,682 13
Due from other banks,	15,470 11
Expense,	661 19
Overdrafts,	571 75
Exchange,	84 76
Furniture,	16 00
Funds in hands of agents,	1,810 00

\$26,650 73

The bills discounted in bank are as follows, viz :

Note signed by Lewis Godard, and others, due March next,	\$2,000 00
Note signed by Lewis Godard, and others, due in April next,	2,000 00
Note signed by H. N. Howard, endorsed by F. Dar- row and A. H. Peck,	100 00
Note signed by E. H. Spalding, endorsed by Lewis Godard,	407 13
Note signed by A. B. Newcomb, endorsed by A. Buckland,	75 00
Note signed by S. L. Collins, endorsed by E. Hewitt and Robert Duff,	2,000 00
L. Godard's check,	100 00

\$6,682 13

The amount due from other banks, the largest item among the assets of the bank, was found to consist of certain notes and acceptances which had been forwarded to certain banks for collection, and were as follows, to wit:

In the Lewis county bank, two drafts drawn by Lewis Godard, on Isaac Bacon, and endorsed by E. Hewitt, dated March 7, and February 10, 1838, at three and four months, amounting to	\$2,500 00
In the Farmers' bank of Troy, a draft made by Da- niel Greene on James Taylor, and accepted, due in March next, (balance,)	515 00
In the Phoenix bank, eight drafts of \$500 each, made by Charles Wells, on Daniel Greene, and accepted by him,	4,000 00
One draft made by S. L. Collins, on Charles Gould, due in February,	1,455 11

\$15,470 11

The amount specified to be in the hands of agents, is said to be

the bills of the Bank of Oakland county, which were forwarded to J. A. Cowing & Co. of Buffalo, for exchange.

There were in the bank at the time of the examination,

Specie,	\$37 34
Bills of other banks, (current,) -	486 00
do do (uncurrent,)	152 50

\$675 84

There is much difficulty in ascertaining the true amount of circulation. The total amount of bills issued, as entered on the books, is \$12,000. But it was stated by the president, that there had been an issue of \$3,400, taken by Wm. B. Sherwood, previous to any entry on the books, \$5,400 of which had been returned to the bank and the balance was still out. There was also found another entry of \$3,000, in office notes, to Lewis Godard, of a date previous to the first entry of issues on the book exhibiting the issues. It was stated by the president that the whole amount of bills received from the engraver, was \$142,200 00

There were in the bank, signed and unsigned, bills to the amount of 124,906 00

Leaving out of the bank, in circulation or otherwise, \$18,994 00

Of this amount, it was stated by the president, that there was in the hands of Asa W. Douglass, of Lockport, N. Y., 2,000

In the hands of John Griswold for exchange purposes, 1,153

In the hands of Wm. H. Griswold, the cashier, (in Detroit,) 3,847

In the hands of an attorney for an eastern creditor, (pledged,) 2,000

In the hands of T. Romeyn, 5,000

Total, \$14,000

For the last mentioned sum, the receipt of T. Romeyn was found in the bank, acknowledging the receipt of the said sum of \$5,000 at the request of the officers of the bank, for the purpose of procuring an eastern credit for the bank. This amount has, since the examination, been returned. No entries on the books exhibit the last mentioned amounts as a part of the circulation, nor any indebtedness of the individuals above mentioned for the same.

The circulation in the above mentioned statement is exhibited at \$4,681. If the sums last above mentioned are not to be deemed a part of the circulation, the actual amount of bills in circulation is \$4,294, being less than is exhibited by the statement. If, on

the contrary, the same be considered a part of the circulation, the true amount of bills in circulation will be \$18,294.

But in truth, so defective are the books of the bank, and so imperfect the information which the officers now in charge of the institution, who have lately entered upon their duties, are able to give, that little can be ascertained upon the subject entitled to implicit confidence; and from other facts which it is unnecessary here to detail, the belief is entertained that there are somewhere bills to a still larger amount, not included in the above estimate.

The above exhibits of the nature of the assets of the institution and the probable amount of its liabilities, will enable each individual to form his own opinion upon the solvency of the bank, in as perfect a manner as the undersigned are able to do, and to determine how far the same in this respect should secure the confidence of community.

By the first section of the act of incorporation, books of subscription were required to be opened on the first Monday of October, 1836, and to be kept open one week, at least thirty days' notice being given by the commissioners, of the time and place of opening said subscription, in one or more newspapers published in each of the counties of Oakland and Wayne; and by the third section of said act, one-tenth part of the amount of each share is required to be paid to the commissioners at the time of subscribing, in specie.

By the minutes of the proceedings of the commissioners, it appears that the books were opened at Pontiac, on the 3d day of October, A. D. 1836, and the whole number of shares subscribed.

Annexed will be found a list of subscriptions and the several transfers of stock which have been made since the original subscription, (No. 1.) By reference to the annexed affidavit of William S. Stevens, marked (A.) it appears that the notice required by the statute of the time and place of opening the books of subscription was not in fact given. Certain it is that some time during the session of the legislature in 1837, application was made to that body for an act so to amend the charter of this bank as to permit the books again to be opened and subscriptions to the capital stock received.

A bill for that purpose was introduced into the senate, but did not become a law, nor was any action had upon the subject to remedy any imperfection in the previous proceedings.

There was no positive proof before the undersigned to show whether the requisite amount of specie (\$10,000) was paid in at the time of subscribing to the capital stock. There is found however entered upon the book of minutes in the bank, the following resolution, to wit:

"October 2, 1838.

"*Resolved*, That the treasurer be authorized to receive specie or certificates of specie deposite in the following banks, viz: banks of the states of Vermont, Rhode Island, Connecticut, Massachusetts, city of New York and city of Detroit."

It does not appear that any certificates of deposite were used in accordance with said resolution. Indeed no entry found in the bank exhibits the payment at that time of the amount required in specie or otherwise. By the statement contained in the affidavit of Wm. S. Stevens, annexed, it appears that when the said subscribers sold their stock to said Stevens, more than a year afterwards, the same was transferred as if nothing had been paid thereon.

In the twenty-fourth section of the act of incorporation, it is provided that "unless the sum of fifteen thousand dollars in specie be paid into said bank within two years from and after the passage of this act, the same shall be void and of no effect."

No business appears to have been done by the bank, and no entries made upon the books previous to the 27th day of March, 1838, which was the last day of the two years, within which the sum of \$15,000 was required to be paid in specie in order to prevent a forfeiture of the charter. On that day William S. Stevens, who was then owner of a large majority of the stock, in order to save the charter, borrowed of the Clinton canal bank, all the specie then possessed by that institution, for the purpose of going through the form of paying the same to the cashier of the Oakland county bank, without intending to permit the same to remain in the last mentioned institution. The amount so obtained was less than the sum required to be paid. It was sent to the bank, counted by the cashier, credited on a book kept for that purpose, and returned to the Clinton canal bank. Again the same specie was taken to the bank counter, credited and returned; and this was repeated until the credit thus entered amounted to the required sum of \$15,000. For this the said Stevens gave his receipt, but the money was never returned by him. It is expressly stated by said Stevens that the payment above mentioned was made for the purpose of preserving the charter merely, and not intended to remain in the bank as a bona fide payment of stock.

By the annexed list of stockholders and memoranda of transfers (No. 1,) it will be found that four of the commissioners who were appointed to receive subscriptions to the capital stock were the original subscribers to two thousand shares, and received by apportionment eighteen hundred and fifty-two shares. On the twenty-seventh day of February, A. D. 1838, there were transferred to William S. Stevens, 1990 shares. The controlling interest in the stock remained in said Stevens from that time until

the month of April last, when he transferred a controlling interest in said bank to M. B. Sherwood and Mason Converse.

During the months of June and July last, Edward Brooks and Andrew T. McReynolds, by several transfers to them, became the owners of a majority of the stock. On the 11th day of July last, Lewis Godard became the assignee of the whole number of shares in the same. A list of the present stockholders and officers is hereunto annexed, (No. 2.)

It would seem that while the controlling interest was held by said Stevens, there were no assets of any kind in the bank and no bills of the bank had been issued.

During the time when said Sherwood and Converse held the controlling interest, bills of the bank to the amount of \$8,400, signed by George N. Keeny as president, and William Kortz as cashier, both of Buffalo, were issued, and a part of them thrown into circulation.

Five thousand four hundred dollars of them were afterwards returned by said Sherwood, and the bank received nothing for the balance. At this time, it appears by said Stevens' affidavit, there was no specie or other available assets in the bank belonging to the institution.

In June last Stevens sold the balance of stock held by him to Edward Brooks and Andrew T. McReynolds, and at this time there were no actual assets belonging to the institution.

In all the above mentioned transfers, it appears to have been understood by all parties, that nothing had in truth been paid in towards the stock, and all said transfers were made with the express understanding that no such payment was to be allowed on the same, notwithstanding the formal payment of specie above mentioned.

The first entry on the books of the bank exhibiting any business transaction of the institution, is under the date of March 27, 1838. It shows a capital stock of \$15,000 paid in, and specie to the same amount, deposited with Wm. S. Stevens. There appears also under date of April 25th, a specie certificate of \$10,000, on the Bank of Pontiac, which, however, was never in fact left in the bank, but was taken to Buffalo by said Sherwood.

On the 8th day of August last, when the controlling interest in the stock was in Lewis Godard, measures were taken to organize the institution for business, and to issue bills of the bank. For the amount purporting to be in the hands of Stevens, the stockholders supplied drafts and acceptances, dated July 25, eighteen hundred and thirty-eight, and payable in four months, to the said amount of \$15,000, which were passed to the credit of the said Stevens, to balance his account. There was also placed in the bank specie to the amount of \$5,000, which was considered an additional instalment on the stock. Bills of the bank were then

issued and put into circulation. Annexed, (marked B,) will be found a copy of the first entries on the book. No stock ledger appears ever to have been kept in the bank.

The specie above mentioned, was soon gradually reduced in amount, until there was found on the day of examination, only \$37 34-100.

The bank was put under injunction on the twenty-eighth day of December last, on the application of one of the Bank Commissioners. The charter having been approved on the same day of the approval of "An act to create a fund for the benefit of certain monied corporations," the officers of the institution claimed that they were not subject to the provisions of said act, and that consequently no authority existed in the Bank Commissioners to examine into their affairs. They therefore refused the examination, and upon filing a bill in chancery, an injunction was allowed.

It is but just to the present officers to remark, that upon this examination every facility in their power was afforded for a full exhibition of the affairs of the bank. With the manner of the organization of the institution, they were, however, unacquainted, and most of the transactions above recited, took place before they had any connection with the institution. And the loose and indefinite character of the early entries on the books, made it impossible for them to explain the whole matter, or give a full history of the transactions.

Taking into consideration the whole history of the operations of the bank, the numerous transfers of the stock, the doubtful character of a part of its assets, the defective entries upon the books, the claim of exemption from the supervision of Bank Commissioners, the violations of law in the proceedings of its former officers, and the fraudulent transactions in the payment of its stock, the undersigned cannot refrain from expressing a total want of confidence in the institution.

By the 23d section of the charter, it is provided that "The legislature may, by a vote of two-thirds of each house, amend, alter or repeal the act of incorporation."

And the undersigned would respectfully submit, whether, under all the circumstances of the case, the interference of the legislature, by a repeal of the charter, making the necessary provisions for closing up its concerns, would not be both just and politic.

A. FELCH,

K. PRITCHETTE,

Bank Commissioners.

HOUSE DOCUMENTS.

DOCUMENTS.

(No. 1.)

*Transfers of stock copied from Books of Transfers, &c.
Memorandum of original Subscription and Transfers of Stock
of the Oakland County Bank.*

Copy original stock book, opened October 3, 1836.

	No. of Shares.	Am't paid in.
(Original subscribers,) G. W. Williams,	5	\$25 00
Elijah M. Stickney,	1	5 00
George Hill,	500	2,500 00
O. D. Richardson,	500	2,500 00
S. Beach,	500	2,500 00
Wm. Draper,	500	2,500 00
Salmon J. Mathews,		
per C. C. Parks,	2	10 00
Michael Pearsall,	2	10 00
Orison Allen,	100	5 00
James A. Weeks,	50	250 00
	<hr/>	<hr/>
	2,100	\$10,800 00

At a meeting of a majority of the commissioners appointed to open the books of subscription to the stock of the Oakland county bank, S. Beach was appointed treasurer for the time being, to receive the amounts paid in on subscription to the stock of said bank, as per written appointment on file.

October 3, 1836.

Resolved, That the treasurer be authorized to receive specie, or certificates of specie deposits in the following banks, viz: Banks of the states of Vermont, Rhode Island, Connecticut, Massachusetts, city of New York, and city of Detroit.

Resolved, That all transfers of stock shall be made in writing, and a copy thereof entered by the cashier, in a book kept for that purpose.

At a meeting of the commissioners for distributing the stock subscriptions, it was

Resolved, That Geo. Hill, have 463 shares.

(Original.) D. Richardson, have 463 shares.

Seth Beach, have 463 shares.

William Draper, have 463 shares.

Orison Allen, have 92 shares.

James A. Weeks, have 46 shares.

Geo. W. Williams, have 5 shares.

E. M. Stickney, have 1 share.

Salmon J. Mathews, have 2 shares.

Michael Pearsall, have 2 shares.

At a meeting of the majority of the stockholders, it was unanimously resolved, that the Oakland county bank be located in the village of Pontiac, county of Oakland, Michigan.

At a meeting of the commissioners, it was resolved, that we proceed to the election of a President and cashier of said bank. Whereupon William Draper, Esq. was duly elected president, and Seth Beach, cashier.

Memorandum from Transfer Books.

Date of Transfer.		No. of Shares.
No. 1. April 7, 1837,	Geo. Hill, to O. D. Richardson,	463
2. May 18,	Jas. A. Wells, to S. Beach,	46
3. " 23,	O. Allen, to S. Beach,	92
" 29,	Certificate of this date signed W. Kortz, that Wm. C. Sherwood is entitled to 985 shares of stock (of \$50,) transferable only on the books of said institution, by the stockholder or his attorney.	
4. Feb. 27, 1838,	O. D. Richardson, to W. S. Stevens,	926
5. " 27,	S. Beach, to W. S. Stevens,	601
6. " 27,	Wm. Draper, to W. S. Stevens,	463
7. Apr. 20,	Geo. W. Williams, to W. S. Stevens,	5
8. " 20,	W. S. Stevens, to Mason Converse,	500
9. " 20,	W. S. Stevens, to M. B. Sherwood,	1,000
10. " 20,	M. B. Sherwood, to Johnson Niles,	6
11. " 20,	M. B. Sherwood, to A. B. Newcomb,	5
12. " 20,	M. B. Sherwood, to G. H. Broadhead,	5
13. " 20,	M. B. Sherwood, to Wm. Kortz,	5
14. " 20,	M. B. Sherwood to Geo. W. Kee- ney,	5
15. May 5,	Wm. S. Stevens to Saml. Sherwood,	5

On another book not in transfer book.

June 6, 1838,	Wm. S. Stevens to E. Brooks,	5
"	W. S. Stevens to Jas. McReynolds,	5
"	do to A. T. McReynolds,	5
"	G. H. Broadhead, by his attorney, A. T. McReynolds, cashier pro tem. to A. T. McReynolds,	
		5

Their stock book contains same transfers, as regular transfer book, as follows:

Date of Transfer.		No. of Shares.
No. 16.	Jan. 7, 1838, A. B. Newcomb to W. S. Stevens,	5
17.	Entry same as last of June 6.	
18.	Jan. 7, 1838, Samuel Sherwood to W. S. Stevens,	5
19.	W. S. Stevens to Edward Brooks,	50
20.	do to Margaret Brooks,	50
21.	do to Rebecca Brooks,	50
21.	do to A. Brooks,	50
22.	do to C. W. Whipple,	50
23.	do to Andrew T. McReynolds,	50
24.	do to Jno. T. McReynolds,	50
25.	do to E. M. McReynolds,	50
26.	do to A. T. McReynolds,	50
27.	do to Anthony Dudgeon,	50
28.	A. T. McReynolds to John Dudgeon,	10

Here conformity between books ceases.

29.	June 28, Mason Converse to Edward Brooks,	250
30.	June 29, do to A. T. McReynolds,	250

Entries in above books of intermediate date not considered in transfer books.

July 11, 1838,	Geo. W. Keeney by A. T. McReynolds, his attorney, to A. T. McReynolds,	5
"	Wm. Kortz, by A. T. McReynolds, his attorney, to A. T. McReynolds,	5
"	Wm. B. Sherwood to Wm. C. Sherwood,	974
	No date. Appears to be a copy and not an original transfer.	
Detroit, July 11, 1838,	Wm. C. Sherwood, by A. T. McReynolds, his attorney, to A. T. McReynolds,	974
Detroit, July 11, 1838,	E. Brooks, attorney for M. Brooks, A. Brooks, R. Brooks, C. W. Whipple, attest, A. T. McReynolds, cashier pro tem, to L. Godard,	200
Detroit, July 11, 1838,	Edward Brooks to Lewis Godard,	200
"	A. T. McReynolds to Lewis Godard,	1297
	being, or supposed to be, all his stock in said bank.	
Detroit, July 11, 1838,	Eliza M. McReynolds, Anne McReynolds to Lewis Godard,	100
Detroit, July 11, 1838,	John McReynolds 55, Anthony Dudgeon 50, John Dudgeon 10, by their attorney, A. T. McReynolds, 115, to Lewis Godard,	115
Detroit, July 11, 1838,	Lewis Godard to Dan'l O. Hoyt,	5
do	do to Wm. A. Crocker,	5

Date of Transfer.	No. of shares.
Detroit, July 11, 1838, Lewis Godard to Abel Godard,	5
do do to Theodore Sedgwick,	5
do do to Sylvester G. Langdon,	5
Pontiac, Aug. 14, Lewis Godard to Sanford L. Collins,	400
by his attorney, Theo. Sedgwick.	
do Lewis Godard to Sylvester G. Langdon,	195
by attorney, T. Sedgwick.	
do Lewis Godard to Wm. A. Crocker,	195
by attorney, T. Sedgwick.	
do Lewis Godard to T. Sedgwick,	1100
by attorney, T. Sedgwick.	
Pontiac, Sept. 8, T. Sedgwick to S. G. Langdon,	489
do Lewis Godard to S. G. Langdon,	11
do D. O. Hoyt to L. Godard,	5
No date. T. Sedgwick to Wm. A. Crocker,	616
Aug. 15, 1838, S. G. Langdon to Asa W. Douglass,	200
Oct. 1, Wm. A. Crocker to David Thompson,	300
" do to Elias Hewitt,	200
4, do to Chas. Wells,	100
16, S. G. Langdon to R. J. Sherman,	495
" David Thompson to Harlow Godard,	100
Transfer Book again; transfers not numbered.	
Nov. 23, 1838, David Thompson to Harlow B. Godard,	100
by attorney, L. Godard.	
David Thompson to Alonzo Godard,	100
by attorney, L. Godard.	
End of transfer book.	

(A.)

Affidavit of William S. Stevens.

STATE OF MICHIGAN, }
 County of Wayne, } ss.

William S. Stevens being duly sworn, on oath says, that on the twenty-seventh day of February, A. D. 1838, he purchased of O. D. Richardson, William Draper and Seth Beach, of Pontiac, all or nearly all of the shares of stock in the Oakland county bank, for which he paid a bonus of ten thousand dollars. In this purchase the stock was taken by him as if nothing had been paid upon the same. The bank had not then been put into operation—William Draper was the president and Seth Beach cashier of the institution.

On the twenty-seventh day of March, A. D. 1838, deponent borrowed all the specie which was at that time in the Clinton canal bank, and directed his hired man to take it down to a room

prepared for the Oakland county bank. Deponent does not recollect the amount, but thinks it was five or six thousand dollars. This specie was taken to the bank, was counted by Mr. Beach, as cashier, and credited on the books as paid in on the stock of the bank. After being thus counted, the same was taken immediately back to the Clinton canal bank and again sent to the Oakland county bank to be again counted and credited as before.— This was repeated, until the whole amount so counted and credited made the sum of fifteen thousand dollars. After this was done, deponent, at the request of said Beach, gave a receipt for the amount (\$15,000) to the Oakland county bank. This deponent does not know that any other specie was ever paid in to said bank. The amount abovementioned was never returned to it. This payment was made to preserve the charter merely, and was not intended to remain in the bank as a bona fide payment of stock. At this time, deponent had no interest in the Clinton canal bank, but borrowed the specie as above stated, of the president and cashier of said bank, for the express purpose above mentioned.

Deponent further says, that some time in the early part of April last, he sold and transferred five hundred shares of stock which he had in said Oakland county bank, to Mason Converse, and one thousand shares to M. B. Sherwood; said Converse was to pay deponent three thousand dollars for the same. For this he gave a draft on the Bank of Brest, endorsed by Lewis Godard, which, however, was dishonored. By these sales, the stock was to be taken as it then existed, nothing having been paid in on the same. And said Sherwood and Converse were to pay in upon the same their proportion of twenty thousand dollars (being in all \$15,000) in specie. Said Converse proposed afterwards to put in for his share, instead of specie, five thousand dollars of bills of the bank of Coldwater; but this deponent refused to receive the same. Nothing was paid by said Converse, but he soon afterwards assigned his stock to Messrs. Brooks & McReynolds. The proportion which was to have been paid in by said Sherwood, to wit, \$10,000, was paid by a certificate of specie deposite issued by the Bank of Pontiac. This certificate was credited to said Sherwood on the books of the bank, but, in fact, never went into the bank, and was taken away by said Sherwood or some of his friends to Buffalo.

While said Converse and Sherwood held a majority of said stock as above mentioned, Geo. N. Keeney of Buffalo was elected president, and Wm. Kortz, also of Buffalo, was chosen cashier. The bills of the bank were obtained from the engraver about this time, and notes to the amount of eight thousand four hundred dollars were signed by said Kortz and Keeney and were taken to Buffalo by them. A receipt was left for them in bank. Deponent was afterwards informed that of this amount, five thousand

four hundred dollars was afterwards obtained from them and returned to the bank. During the time when said Converse and Sherwood owned a majority of the bank, there was no specie or other available assets belonging to the institution.

Some time in June last, deponent sold the remaining portion of stock owned by him in said bank to Edward Brooks and Andrew T. McReynolds of Detroit. They were to pay him for the same the amount paid by this deponent therefor, but have as yet paid nothing. They were also to take the same as it then was, knowing that nothing had in fact ever been paid in on the same. The sale was broken open by deponent to shew said Brooks and McReynolds the actual situation of the bank, and deponent expressly told them that not a cent had been paid in on the stock, and that said bank had never issued a dollar excepting the amount above mentioned, which was taken away by said Sherwood. This amount in the hands of said Sherwood, was taken without the knowledge or consent of this deponent.

On the day of said last mentioned sale and transfer of stock, deponent resigned as director in said bank, and knows nothing of its transactions since that time.

Deponent further says, that after he had purchased the stock above mentioned, he was informed that the requisitions of the charter of said bank had not been complied with in the original subscription to the stock thereof, inasmuch as the requisite notice of the time and place of opening the books of subscription had not been given. Deponent gave notice of this fact to those to whom he sold said stock, and told them that the same might defeat all interests under the charter, and also gave them copies of a correspondence between the cashier (Seth Beach) and M. J. Bacon, Esq., then the Bank Commissioner.

W. S. STEVENS.

Subscribed and sworn to, this eleventh day of February, A. D. 1839.

A. FELCH, *Bank Commissioner.*

(No. 2.)

List of Stockholders and officers.

Names of the Stockholders and officers of the Oakland county bank.

E. M. Stickney,	1 share,	\$50 00
M. Pearsall,	2 do	100 00
S. S. Mathews,	2 do	100 00
Abel Godard,	5 do	250 00
Johnson Niles,	6 do	300 00

L. Godard,	68 shares,	3,400 00
Charles Wells,	160 do	5,000 00
E. Hewitt,	200 do	10,000 00
A. W. Douglass,	200 do	10,000 00
Wm. A. Crocker,	216 do	10,800 00
S. L. Collins,	400 do	20,000 00
Harlow Godard,	100 do	5,000 00
Alonzo Godard,	100 do	5,000 00
R. T. Sherman,	495 do	24,750 00
Harlow B. Godard,	100 do	5,000 00
S. G. Langdon,	5 do	250 00

2,000 shares.

E. HEWITT,
CHAS. WELLS,
S. G. LANGDON,
L. GODARD,
WM. A. CROCKER,
ABEL GODARD,
JOHNSON NILES,

Directors.

E. HEWITT, *President.*

WM. H. GRISWOLD, *Cashier.*

February 7, 1889.

S. Baird, do	3,200 00
R. Dyer's part of note, endorsed S. G. Langdon,	400 00
	<u>\$15,000 00</u>
13 Stock account, for 5 per cent on \$100,000,	5,000 00
23 L. Godard, for his draft on Isaac Bacon, at three months,	5,000 00
L. Godard, for balance on R. Dyers's note, for \$525,	125 00
25 T. Sedgwick, \$167, \$26 50,	183 50
	<u>\$25,318 50</u>

August 9th,

Lewis Godard,		41	J. & L. Whipple,	9th.
For this amount received on deposit,	100 00	41	Cash for this amount received on deposit, L. Godard,	

\$62 66

27 00

100 00

\$127 00

[Sig. 69—No. 25.]

(No. 26.)

**Report of the Attorney General relative to banks
under injunction.***Hon. K. S. BINGHAM, Speaker of the House of Representatives.*

SIR—I have the honor to enclose a report containing a list of banks which are under injunction, the names of the receivers, where any are appointed, the place of residence of each receiver, and the period when the time for receiving expires, in each case, in obedience to a resolution of your body of the 1st inst.

With great respect,

P. MOREY, *Attorney General, Mich.*

List of Banks under Injunction, with the name of each Receiver and his place of residence, and the period when the time for receiving in each case expires.

NAME OF BANK.	RECEIVER.	RESIDENCE.	EXP. OF TIME.
1. Farmers' bank of Sandstone,	A. B. Gibson,	Jackson,	Jan. 1st, 1839.
2. Jackson county bank,	A. B. Gibson,	do	do
3. Bank of Lapeer,	J. Bartow,	Genesee county,	May 1st, 1839.
4. Farmers' bank of Genesee county,	J. Bartow,	do	do
5. Wayne county bank,	A. W. Buel,	Wayne county,	Dec. 1st, 1838.
6. Exchange bank at Shiawassee,	A. Parsons,	Shiawassee county,	do
7. Lenawee county bank,	W. L. Greenly,	Lenawee county,	March 1, 1839.
8. St. Joseph county bank,	L. F. Stevens,	St. Joseph county,	July 1st, 1839.
9. Bank of Coldwater,	E. A. Warner,	Branch county,	do
10. Farmers' & Mechanics' bank of Pontiac,	W. Draper,	Pontiac,	May 1st, 1839.
11. Bank of Kensington,	K. S. Bingham,	Green Oak,	do
12. Bank of Brest,	J. M' Reynolds,	Detroit,	do
13. Bank of Saline,	J. B. Guiteau,	Ann Arbor,	do
14. Farmers' bank of Sharon,	do	do	do
15. Clinton canal bank,	Seth Beach,	Pontiac,	do
16. Bank of Clinton,	No receiver.	do	do
17. Oakland county bank,	do	do	do
18. Farmers' bank of Oakland,	do	do	do
19. Bank of Gibraltar,	do	do	do
20. Bank of Oakland,	do	do	do
21. Bank of Goodrich,	do	Oakland county,	do

List of Banks under Injunction, with the names of each Receiver and his Place of Residence, and the period when the time for receiving in each case expires.

NAME OF BANK.	RECEIVER.	RESIDENCE.	EXP. OF TIME.
22. Bank of Utica,	No receiver.		
23. Bank of Manhattan,	do		
24. Barrien county bank,	do		
25. Bank of Washtenaw,	do		
26. Bank of Allegan,	do		
27. Bank of Macomb county,	do		
28. Saginaw city bank,	do		
29. Bank of Ypsilanti,	do		

In most of these cases, motions for the appointment of receivers are now pending, and when appointments are made the time for receiving the bills of the banks, &c., will in no case expire before the first day of July next.

ATTORNEY GENERAL'S OFFICE,
Detroit, Feb. 16, 1899.

Above is a correct schedule of the banks under injunction, with the names of receivers as far as appointed, and the period when the time for receiving expires.

P. MOREY, Attorney General, Mich.

(No. 27.)

Report of the Committee on Agriculture.

To the Hon. the House of Representatives :

The committee on agriculture, to whom was referred that part of the Governor's message relating to that subject, together with a resolution of the House instructing the committee to report on the expediency of extending pecuniary aid in the shape of premiums to the various agricultural interests of the state, respectfully ask leave to report :

In giving their attention to this important subject, your committee have been guided as well by their views of our present financial concerns as of our future prosperity.

The state of Michigan is one of those which may be peculiarly denominated an agricultural state. The absence or scarcity of extensive mineral deposits forbids the hope of competing with our sister states in that respect, at least so far as regards a source of revenue ; whilst a territory almost entirely susceptible of cultivation, well watered and highly fertile, together with the facility of egress to foreign markets, aided as it soon will be by our works of internal improvement, offers high inducements to agricultural exertion. Such advantages, together with the present high prices of produce, may be supposed by some to afford sufficient encouragement to the farmer ; but this view is to a great extent deceptive, inasmuch as all exertion which is graduated by prices will be subject to their fluctuations, and is not the spirit by which alone farmers should be actuated. Every intelligent cultivator of the soil desires to see the country of his choice flourishing in all its parts. He wishes to be proud of the state in which he lives. It is in the order and embellishment of his farm, in the quality and condition of his stock, and the comfort and convenience of his buildings, that he places *his ambition*, and this ambition, laudable as it is, uniformly produces its legitimate effect—his own happiness and prosperity, and the general improvement of those around him. If by any means the government can foster and encourage this spirit, it would seem to be its duty. It cannot be denied that that pride which should ever distinguish the cultivator of the soil, has been, to a great extent, paralyzed by the occurrences of the last few years. Too many of our citizens, excited by speculation, have been led to look down on the daily labor of the farm as a secondary matter, or unworthy of their talents. It becomes us then, to endeavor to remove their prejudices, to point out the true road to independence, and to animate and encourage

them in the pursuit, and that misguided ambition which has made many of them useless and unhappy, when directed into its proper channel, may yet place them among the worthiest of society. A community so entirely dependent on its agricultural resources, as ours, demands, and ought to receive all the sanction and support that can reasonably be afforded by its government. This position might be sustained by referring to the examples of the most prosperous and enlightened nations of ancient and modern times.

Your committee consider the present time the most auspicious for legislative action. Our facilities for transportation to and from the interior are becoming daily more extended, and the spirit which projected them is yet unabated. If a corresponding spirit of enlightened agricultural exertion is awakened among the farmers, a bright prospect is before us. We shall then see our beautiful country pouring forth its products to an extent that will gladden the heart of the true patriot, enabling the state not only to discharge its foreign debt, but to become the home of industry, enterprise and prosperity, the pride of its citizens and the hope of the emigrant. We shall not undertake to trace the effects which might result from a different course of policy; suffice it to say, the times require united and vigorous action.

Guided by these views, your committee has endeavored to ascertain what mode of legislative action would be best adapted to give a direct and beneficial impulse to agriculture, and it has arrived at the conclusion that a judicious system of premiums for the best productions of crop and stock, would be of the most immediate, if not the most lasting benefit. This, together with the grant of corporate powers to the different county societies under whose direction the premiums should be distributed, will, in the opinion of your committee, be of great advantage to the state, not so much from the immediate pecuniary consideration, as that it will cause a free interchange of opinion among practical farmers, diffuse the light of experience among the young and enterprising, and renew and strengthen among all that honorable pride which should ever distinguish the American farmer. Your committee would therefore recommend the passage of the accompanying bill, entitled "A bill for the promotion of agriculture."

(No. 28.)

Message from the Governor, transmitting correspondence in relation to Howland Hastings.

To the House of Representatives :

In accordance with a resolution of the House of Representatives, passed February 23, 1839, I herewith transmit copies of all the papers in the case of Howland Hastings.

S. T. MASON.

EXECUTIVE DEPARTMENT, }
February 25, 1839. }

CORRESPONDENCE.

(No. 1.)

Governor Mason to Governor Arthur.

EXECUTIVE DEPARTMENT, }
Detroit, Jan. 11, 1839. }

SIR—I enclose to your excellency, a copy of an indictment of the grand jurors of the Western District and of the Province of Upper Canada, against Howland Hastings, for an assault and battery committed "*at the city of Detroit,*" against the peace and dignity of the Queen of Great Britain.

This case seems to be unconnected with the unhappy disturbances which existed on our frontier, and I feel assured that a proceeding so totally at variance with every principle of English law, will receive the prompt interference of your excellency.

Hastings is a resident of this state, and I have to request that your excellency, under the circumstances presented, will order his discharge.

I have the honor to be

Your Excellency's ob't servant,

S. T. MASON.

His Excellency, SIR GEORGE ARTHUR,
Lieutenant Governor, &c. &c.

[Copy.]

Indictment. Regina vs. Howland Hastings. Assault, witness, Samuel Willcox. A true bill, signed "M. Fox," foreman. Verdict guilty, signed "John Prince," chairman. Filed 8th January, 1839, signed "W. R. Wood," deputy clerk, Wes. Dis.

WESTERN DISTRICT, to wit.

The jurors for our lady the Queen, upon their oaths present that Howland Hastings, late of the township of Sandwich in the Western district aforesaid, laborer, on the first day of December, in the second year of the reign of our sovereign lady Victoria, with force and arms at the city of Detroit, that is to say, at the township aforesaid, in the district aforesaid, in and upon one Samuel Willcox, in the peace of God and our lady the Queen, then and there being, did make an assault, and him the said Samuel Willcox then and there did strike, beat, wound, imprison and ill-treat, and other wrongs to the said Samuel Willcox then and there did, to the great damage of the said Samuel Willcox and against the peace of our lady the Queen. her crown and dignity.

I certify the above to be a true copy of the original filed of record.

W. R. WOOD,
Dep. Ck, Ju. W. D.

CLERK JU. OFFICE, }
Sandwich, 10th Jan. 1839. }

(No. 2.)

Governor Arthur to Governor Mason.

Brantford, Jan. 19, 1839.

SIR—I have the honor to acknowledge the receipt of your letter of the 11th inst. with its inclosure, but as it embraces a legal subject, it is necessary that I submit it for the opinion of the law officers of the crown, and which I will do the instant I arrive at Toronto.

I beg leave at the same time to assure you of my inclination to treat the subject with every consideration and justice in my power.

I have the honor to be, sir,
Your most ob't humble serv't,

GEO. ARTHUR.

His Excellency Gov. MASON.

[Copy.]

(No. 3.)

Governor Arthur to Governor Mason.

GOVERNMENT HOUSE,
 Toronto, 14th Feb. 1839. }

SIR—With reference to my letter of the 19th January last, addressed to your Excellency from Brantford, I have now the honor to state, that upon making inquiry into the proceedings of the court of quarter sessions of the Western district, in the case of Howland Hastings, represented to be a citizen of the state of Michigan, who was convicted at Sandwich of an assault and battery committed at Detroit, and sentenced to imprisonment for the space of six months in the goal at the former place, I became satisfied that those proceedings were unsupported by law, and immediately directed the sheriff to discharge the prisoner.

It appears, however, that on the 17th ult. an information was laid by Colonel Prince against Hastings, for threatening on several occasions to take his life, and that the magistrate before whom this complaint was made, has directed that Hastings should remain in custody at Sandwich, until he gives security for keeping the peace, and for his future good behavior.

Upon this ground alone, therefore, I beg your Excellency to understand, that Hastings is now detained at Sandwich, and I have no reason to suppose that he will be subjected to imprisonment for a moment after he shall have furnished that assurance of his future good behavior, which has been required of him by the magistrate.

Having thus given your Excellency, a statement of the facts connected with the case of Hastings, I have to express the deep regret which I felt on discovering that the court of quarter sessions of the Western district had so misunderstood and transcended its powers on this occasion, more especially as the individual whom they had improperly convicted is represented as being a foreigner, and a citizen of a country with which I am most solicitous that those relations of amity and confidence, which long existed towards this colony, but which a recent unhappy course of events upon the frontier has greatly disturbed, should be fully and permanently re-established.

While I thus advert to the erroneous proceedings in the case of Hastings, I think it right to inform your Excellency, that complaints have recently been transmitted to me by certain of her majesty's subjects resident in Upper Canada, who, while travelling in the prosecution of their private business in the United States, have been obliged to submit to judicial proceedings of a most irritating and vexatious character, founded generally, as it would appear, on political enmity towards individuals thus aggrieved. It is in my opinion, most desirable, that proceedings of this nature

should cease; and it only remains for me to assure your Excellency that I shall always most cordially and readily unite with your Excellency and the constituted authorities of the other states bordering on this province, in endeavoring to restrain the violent—to protect the peaceable, and to enforce with impartiality and firmness, those salutary rules of law and justice in which the happiness of individuals and the peace and welfare of nations must ever necessarily depend.

I have the honor to be, sir,
Your Excellency's most
Ob't humble servant,

GEO. ARTHUR.

His Excellency Gov. MASON, *Detroit*.
[Copy.]

(No. 4.)

Governor Mason to Governor Arthur.

February 20, 1839.

EXECUTIVE DEPARTMENT,
Detroit, Feb. 20, 1839.

SIR—I have the honor to acknowledge your letter of the 14th instant, and express my gratification at the decision given in the case of Howland Hastings.

Permit me to say, how fully I appreciate the sentiments of your communication, and to assure your Excellency, that I feel they are duly reciprocated by the government and authorities of the United States.

I have the honor to be,
Your Excellency's
Most obedient servant,

S. T. MASON.

His Excellency Sir GEORGE ARTHUR,
Lieutenant Governor, &c. &c.

[Copy.]

(No. 5.)

Governor Mason to J. McDonell, Esq.

February 19, 1839.

EXECUTIVE DEPARTMENT,
Detroit, Feb. 19, 1839.

DEAR SIR—I enclose you a letter from his Excellency Sir George Arthur, lieutenant governor of the province of Upper Canada, in relation to the imprisonment of Howland Hastings, a citizen of the United States. From the communication of Sir

George, it will be seen that the original arrest and commitment of Hastings, has been decided to be illegal; but that he is now held to bail to keep the peace on the complaint of John Prince.

My object in calling your attention to this subject is, that as you are well acquainted with the inhabitants of Sandwich, and Windsor, you may give your personal influence to obtain bail for Hastings, and procure his release from his present imprisonment. I have therefore to request, that you will take charge of the case of Hastings, and give your attention to it as I have suggested.

Very respectfully,

Your obedient servant,

S. T. MASON.

JOHN McDONELL, Esq., *Collector Port of Detroit.*

[Copy.]

(No. 6.)

John McDonell, Collector, &c. to Governor Mason.

Detroit, Feb. 21, 1839.

SIR—In accordance with your request, contained in your communication of the 19th instant, enclosing the letter addressed to you by his excellency Sir George Arthur, lieutenant governor of the province of Upper Canada, directing the discharge of Howland Hastings, an American citizen, from his incarceration at Sandwich, I have the honor to inform you, that I visited the jail at Sandwich, and procured his release.

The ground of his imprisonment is as follows: Hastings was arrested and tried on an indictment for an alleged assault and battery, committed in the city of Detroit, on the person of Samuel Willcox, a subject of the Queen of Great Britain and Ireland, resident in the province of Upper Canada, and sentenced by one John Prince, acting in the capacity of one of her majesty's provincial magistrates, to six months' imprisonment, which sentence was in operation when I visited him in prison. A full and accurate statement, is herewith enclosed, as contained in the affidavit of Hastings, which, from all my inquiries, I have every reason to believe is correct.

By procuring bail for the good behaviour of Hastings, on several complaints preferred against him by the said Prince, alleging threats against his life, Hastings was discharged. These threats, in my opinion, had not the rightest foundation. They were equally as frivolous, absurd and illegal, as the indictment and conviction, upon which Hastings had been sentenced.

On my arrival at Sandwich, I proceeded to the lodgings of the high sheriff; not finding him there, I waited on the committing magistrate, Mr. Joseph Woods, who had committed Hastings on

the second complaint of Prince, where I had the pleasure of an interview with the sheriff. I stated to both these gentlemen, the object of my mission, and exhibited to them the letter of Sir George Arthur. The magistrate demanded bail, in the sum of £200 by Hastings, and two freeholders securities, each in the sum of £100. I encountered much difficulty in procuring the requisite bail, from the apprehension indulged in by many of the inhabitants of the province, of giving offence to, and irritating this John Prince, the complainant. At length I succeeded by indemnifying those gentlemen, whom I fortunately met, and persuaded to this act of humanity, against all loss—Charles Elliott, Esq. and Col. Bell, who entered into the necessary security, and Hastings was discharged. I was facilitated in my object by Col. William El-Nott, Robert Mercer, Esq. Capt. John Wilkinson, Charles Anderson and John Cowen, Esq., and several other gentlemen to whom I also feel much indebted for courtesy and kindness; all of whom feel a deep interest in supporting the supremacy of the laws and the institutions of their own country.

Shortly after the liberation of Hastings, this John Prince came into the jail where I was, in company with several others, all in military costume. After Prince had examined the recognizances of bail, the other gentlemen who had accompanied me, left the prison, on observing which, and that I was alone, Prince asked me if I had indemnified the bail. On my giving a reply in the affirmative, this military magistrate of the upper provinces, denounced me in a strain of vulgar abuse, unnecessary to detail in this official communication, and which I deemed at the time, too penurible and pitiful to notice. I immediately left him and his companions at the jail, satisfied with having accomplished my object in the release from unlawful and cruel imprisonment of an unoffending American citizen, who had visited the country on matters of business, and was innocent of any infraction of its laws.

I have the honor to be,

Your Excellency's most obed't serv't,

JOHN McDONELL.

His Excellency Gov. Masow.

[Copy.]

(No. 29.)

Report of the Committee on Banks, &c., to whom was referred so much of the Governor's Message as relates to the establishment of a State Bank.

The committee on banks and incorporations, have had under consideration that part of the Governor's message relating to a state bank, and sundry petitions on the same subject referred to them, and would respectfully submit a charter for a state bank, together with the following report :

A medium of exchange as a currency, has been a subject of momentous consideration from the organization of civil and political institutions. It has claimed the attention of the statesman, the sage, and the philanthropist, in all ages, from the earliest formation of government to the present time, and yet, it seems almost impossible to secure the great desideratum—an unfluctuating representative of property value.

The precious metals are now used throughout the empire of civilization as a standard currency, and recognized as a medium of exchange possessing intrinsic value in all enlightened countries. But the improvements of the last century, in the arts and sciences, and the corresponding development of laudable, ambitious enterprise, in manufacturing and commercial pursuits, have seemed to demand a more extensive currency than the metals would afford at their fixed valuation. To increase the medium of exchange, banking institutions have been established, from which issues of nominal value have been made, and now take the place of metals possessing intrinsic worth. Of the tendency and influence of those institutions, it is not the object of your committee, at this time, to express an opinion ; it is not their design to enter into the abstract question of the original utility or detrimental effects of banking corporations. Of their benefits, much can be said ; of their evil results, much has been seen within the last half century, even in our own land, where virtue and intelligence sway the government sceptre. To secure the good, and guard against the evil results of a monetary corporation, is the design of your committee, when they recommend the establishment of a state bank. The common system of banking is unequal, and constitutes a moneyed monopoly when conducted by chartered companies, and is calculated to combine individual wealth into powerful, and too often fraudulent compacts.

Experience of the past has shown, that full credit cannot be obtained for a paper currency based upon the promise of collective bodies of men, whose pecuniary interest might prompt them

to issue a greater amount of promissory notes, than they were able to redeem; and that the bank notes of one state would not be taken at par value in another. Confidence has been forfeited, suspicions of fraud been excited, the banks have been called to redeem their pledges, and finding themselves unable, have suspended payment, and spread dismay throughout the whole country.

The state of our financial affairs, has elicited an investigation, the result of which is, a great change in public opinion, and a disposition to correct the abuses of intrigue and cupidity.

The lamentable situation of our state currency, and the unparalleled frauds in recent banking transactions, are sufficient arguments for a speedy action of our legislature.

The general banking law has received the disapprobation of the community, who seem not so much to condemn the principles, but the result flowing from the abuse.

Banks sprung into existence without capital, men engaged in the business without principle, and consequently, Michigan currency became so much depreciated, that it almost proved fatal to business transactions, and highly prejudicial to the character of our young state.

It would seem at this time, when all confidence is lost in most of our banks, that nothing will so effectually relieve the wants of the community, and place us upon a par with our sister states, as a bank of extensive capital, with the faith of the state pledged for the redemption of its issues.

It is well known, that so long as there is safety in state government, and the unanimity of feeling that now exists between the different members of the Union, so long will the bills and notes of exchange of any one state be current in, and honored by, all the rest. If a state bank be conducted with financial sagacity, with care and prudence, its notes will bear a premium at home and pass at par in the Atlantic cities. The difference of exchange will be more to our advantage—articles of commerce will be reduced in price—facilities of trade will be increased—capitalists will be induced to embark in different enterprises, and the whole state will assume a more promising aspect.

In addition to the general benefit to the trading community, it must be a source of revenue to the state government, by which taxation will be lessened, and a fund be created that will, in a series of years, be sufficient to reimburse the loans for its own capital stock, as well as those made for the completion of our internal improvements.

It presents a system of banking in which all must feel more or less interested; since each and every citizen is a stockholder and shares in the dividend of the profits. A fund is raised by a bond upon unproductive property, or property that yields the same in-

come as without it, and money discounted to the joint owners, who at once have the use, and share in the interest and profits of their own loan.

The bill which your committee have framed, fixes a main institution and provides for the establishment of nine branches.

Six directors are to be appointed by a joint vote of the legislature, who shall choose a seventh for a president. The president and directors constitute a state board to establish branches at such parts of the state as shall most require them, each with a capital stock of not less than one hundred and fifty thousand dollars, one half to be supplied by the state, and the other to be subscribed by individual capitalists. The stock in fifty dollar shares, must be taken within a given time, and if the stockholders wish, they may pay 20 per cent, and loan of the state the remaining 88 per cent, for which they must give security upon good, unincumbered real estate, to twice the amount, and at the appraisal of the state board of directors.

For such loan, the state will receive seven per cent interest, and the common school fund nearly one per cent, (as upon all other bank stock,) and no dividends of profits made to such stockholders until the whole amount of their capital stock be paid for, unless by direction of the state board.

As soon as the stock is taken, the stockholders have the right of choosing five directors, and the state board appoints four, who shall select one from the nine for their president.

The state board issue the bills to the branches, all signed by the president, and the branches discount and perform all other business transactions usual to banking institutions.

The parent institution discounts no notes, but keeps the plates, and controls the amount issued to each respective branch.

When any branch goes into operation, the directors of said branch shall choose one of their number to meet with the state board, with a right equal to a state director, upon all questions relating to the state bank and its branches. But when the board shall have established seven branches, then the legislature have the right to increase the number of the state board to equal the number elected by the branches. Each state director to hold his office for the term of two, and the president, five years, but subject to be removed by a vote of two-thirds of each branch of the legislature. It is the duty of the state board to have a general supervision of the branches, to examine the books and accounts, and to report annually to the legislature, all matters connected with the institution, its dues, liabilities, circulation, losses and profits. The directors of the branches are restricted in their discounts, and to prevent fraud or undue patronage to any party, two votes out of the nine, will prevent a discount.

Each officer of the bank, is not only required to take an oath

for the faithful and impartial discharge of his duty, but to enter into heavy penal bonds as security to the state, and safety to the rights of private stockholders.

The faith of the state stands pledged for the redemption of all the bank issues, and in case of insolvency in any branch, its directors are first held responsible in their personal and real property, next the private stockholders, and last, the state, so that the bill holder can suffer no loss, so long as he has such security, and the funds of the state cannot be impaired without fraudulent conduct of officers.

The bill provides for the punishment of frauds, and fixes severe penalties for violation of official oaths, and for embezzling the funds, or otherwise wilfully attempting to defraud the institution.

The bill requires that the directors appointed by the legislature, shall be ex-officio a board of loan Commissioners, to make such loans as the state may order, and to manage all funds and stocks belonging to the different interests of the state.

Any branch may be a depository of funds to be expended by the state, subject to removal when required by the interest of the public ; and all funds belonging to the state are to be kept and disbursed by the different branches.

Your committee are aware, that a variety of opinions have been entertained upon the details of a bill for a state bank, nor is it to be denied but a discrepancy of sentiment has existed in committee upon the question before them. Some preferred an institution with the stock owned and controlled entirely by the state ; and others believed that the system proposed in the bill would be safer and more satisfactory to the public, for whom we were called to legislate. The subject has been carefully and candidly examined, and your committee are now unanimous in reporting, and pledging their cordial support to the charter herewith transmitted.

Although many strong objections may present themselves to the union of the state stock with private capital for banking pursuits, still it is believed, that with the guards and checks which one interest has upon the other, it will be safe to each.

It has been the object of the committee to establish a plan, that should remove the bank as far from party political influence as possible ; and it is believed that the system adopted for the management of the bank and its branches, is placed beyond the immediate control of any interest, or any party. An institution, where all of the officers are to be elected by the people or their immediate representatives, would soon become a matter of political controversy, and thus expose the financial affairs of the state to the intrigue, cupidity, and management of aspiring and heartless demagogues. But the plan proposed, divides the control and

the benefits between different interests, and places each as a watchman over the other, and secures the guardian care of all, in protecting the rights of the community.

In the present institution there must be entire safety, as there is a mutual interest of state and private capital, while each branch is obliged to redeem the bills of any other.

Upon mature deliberation, your committee come to the conclusion that the system proposed would be most beneficial and least objectionable to the commonwealth of Michigan. There can be but little doubt in the minds of the observing, as to the importance of establishing a currency in this state that shall answer as a medium of exchange in business pursuits. It is but in its infancy, the balance of trade is yet against it, the capital invested in banks cannot be used to advantage, credit is languishing, and the whole community are suffering from the sad dilemma into which they have fallen !

It is not to be expected that a bank will give permanent relief to the state without collateral aid, and that aid can only be found in the productions of our prolific soil. Money is but the representative of property, and is good for nothing only as a medium of exchange, in the transfer and change of essential commodities.

The establishment of a state bank in Michigan, will be an epoch in its history—it will restore credit, open the avenues of commerce, unclog the wheels of industry, and invite the mass of emigrants to settle within her limits and cultivate her soil. The hundreds who now lie dormant for the want of available funds to culture the soil, will feel the electric impulse and rouse to active pursuits. Her internal improvement system will be aided, her rich resources will be developed, and the prospects of her enterprising inhabitants will be more cheering.

THOMAS FITZGERALD,
DANIEL S. BACON.
ISAAC WIXOM,
NORMAN LITTLE,
ANDREW G. HAMMOND,
NOBLE H. FINNEY,
GEO. C. GIBBS,
ANDREW MACK,
CALEB N. ORMSBY.

(No. 30.)

Message from the Governor, transmitting papers relative to the Bank of Macomb county.

EXECUTIVE DEPARTMENT, }
February 27, 1839. }

To the House of Representatives :

I enclose herewith a communication, with other papers, from C. A. Emerson, cashier of the Bank of Macomb county, which I am requested to lay before the legislature.

S. T. MASON.

DOCUMENTS.

(No. 1.)

Letter to the Bank Commissioner, from the Governor.

EXECUTIVE DEPARTMENT, }
Feb. 26, 1839. }

DEAR SIR—I enclose you herewith a letter from the Cashier of the Bank of Macomb county, accompanying which, is a statement of the condition of the bank on the 23d February instant, to which I beg leave to call your attention.

I am, sir, yours, &c.

S. T. MASON.

To KENTZING PRITCHETT, Esq.
Bank Commissioner.

(No. 2.)

Bank of Macomb County,

Mount Clemens, 23d Feb. 1839.

Statement of the Affairs of this Bank, February 23, 1839.

Loans and discounts,	\$76,619 10	Capital paid in,	\$105,420 00
Due from sundry per's,	1,261 45	Circulation,	31,585 00
Real estate,	2,850 00	Discounts received,	
		and profit & loss,	6,137 01
Expenses,	3,503 75	Deposites,	2,029 99
Bank furniture,	1,808 30	Due banks,	476 71
On exchange,	9,390 00	" John Ward & Co.	2 25
Due from other banks,	3,704 73		

Agency in Buffalo,	\$29,800 56
Bills of other banks,	3,690 00
Specie,	12,962 17

\$145,650 06

STATE OF MICHIGAN, }
 County of Macomb. } ss.

I, C. A. Emerson, cashier of the Bank of Macomb county, being duly sworn, do depose and say, that the foregoing statement is true, to the best of my knowledge and belief.

C. A. EMERSON,
 Cashier.

Subscribed and sworn, this the twenty-third day of February, 1839, before me.

T. R. BROWN,
 Notary Public.

(No. 3.)

Letter from C. A. Emerson, Cashier, with a Statement of the condition of the Macomb County Bank.

Mount Clemens, 23d Feb. 1839.

To his Excellency STEVENS T. MASON,
Gov. State of Michigan:

DEAR SIR—During my absence from home, I understood that the legislature desired a statement of the condition of this institution, and that the Bank Commissioners were directed to make an examination. I have not been able to see the report made to the legislature by them, but I am conscious that their report will mislead the public, as to the true situation of our bank. A portion of the stock has been recently paid in by the stockholders, and the circulation much reduced. Specie and other funds have been placed in the vaults of the bank, to a greater amount than the whole of their liabilities to the public. We have also made a movement to have the injunction now upon the bank dissolved, so that those holding the bills of the bank can receive their pay for the same, if they desire. It is to correct the public in this respect, that I transmit the actual state of the bank, and request, that you will lay the same before the legislature.

I am, dear sir, your obed't and humble serv't,

C. A. EMERSON.
 Cashier.

(No. 4.)

*Letter from the Bank Commissioner.**Detroit, February 27, 1839.**To his Excellency STEVENS T. MASON.*

SIR—In reply to your communication, calling my attention to a letter addressed to you by C. A. Emerson, cashier of the Macomb county bank, covering a statement of the condition of that institution, and expressing a consciousness that the report of the Bank Commissioners will mislead the public as to the true situation of the bank, I have the honor to state: that on the examination of the bank there was no person present to explain its affairs, but the president, A. Weeks. His ability to make the proper explanation of the transactions of the bank, he stated, was limited, and expressed a strong desire that the report should, if possible, be delayed until the return of C. A. Emerson, the Cashier. He promised that Mr. Emerson and himself, would wait upon the Commissioners in Detroit, and explain the former transactions of the bank, and the arrangements then in process of completion by the cashier, to reinstate its affairs.

The former president and one of the directors likewise, promised to furnish some information, which they have since done.

With a view to a full and impartial report, its completion has been delayed.

From the course, however, which has been taken by the cashier, it would appear, that he is not disposed to redeem the pledge given by the president. The report, therefore, will be prepared without further delay, from the materials in my possession, and transmitted to the legislature.

With great respect,

Your obed't serv't.

K. PRITCHETTE,
Bank Commissioner.

(No. 31.)

Report of the majority of the committee appointed to inquire into the condition of the Michigan State Bank.

The select committee of investigation, to whom was committed the examination and inquiry into the condition of the funds of this state, the disbursements made by the officers and agents of the same, and also to give their opinion as to the safety of the money belonging to the state, and if the same is now available, have had the subjects embraced within the inquiry under consideration, and having, in the opinion of your committee, bestowed the attention that so important and deeply interesting subject demands, beg leave to submit the following report and accompanying documents.

To enable your committee to proceed to the investigation without delay, they instructed their chairman to communicate to the president of the Michigan State Bank, that a committee had been appointed for the purposes above mentioned, and requesting him to name a day at his earliest convenience, to receive the committee at the bank to proceed with their examination; and in reply to that letter, your committee received for answer, that on the following Monday, the bank would receive the committee at its banking-house, and submit a statement of its affairs and condition for their inspection. In the mean time, and with a view of facilitating this inquiry, the committee instructed their chairman to propound the following written interrogatories to the president of the bank, and would respectfully refer the House to document marked (A.) for a copy of the same. On Monday, the fourth of February, your committee had their first meeting at the bank, and received from F. H. Stevens, Esq. the president thereof, the following statement, marked (B.) in the accompanying documents.

After an examination was had into the above mentioned statement, your committee concluded, that further information was necessary to enable them to arrive at just conclusions, either as to the condition of the bank, or the safety of the funds belonging to the state deposited there; and they consequently instructed their chairman to propound further interrogatories, with a statement annexed, contained in document marked (C.) After a delay of several days, your committee received from the president of the above mentioned bank, a statement, the correctness of which was verified with his oath, purporting to be answers to the several interrogatories, propounded in documents, marked (A. and C.) and

which is herewith annexed, marked (D.) To this statement, your committee felt called upon to take strong and decided exceptions. They could not resist the conviction that forced itself upon their mind, that their inquiry was sought to be evaded, or themselves treated with disrespect, and consequently the following correspondence took place between the committee and the president of the bank; their respective communications, marked (E. and F.) will be found in the accompanying documents. It will also be seen from this correspondence, that the committee proposed to pursue a different course, in continuing this investigation, and in pursuance of that determination, a meeting was had at the bank, and a particular inquiry instituted relating to that very singular item, in document marked, (D.) "Various other bank notes, \$16,690," the result of which will be found in document marked (G.) At the above meeting and with a view to prevent any future misunderstanding between the committee and the bank, they submitted the following statement, marked (H.) in documents. In their subsequent examinations at the bank, the committee have been enabled to establish the following facts:

First, that within the past year, the Michigan state bank has received from the State Treasurer, and in behalf of the state, and principally to the credit of the general fund, \$14,919 78, which sum has been entered upon their books and marked "special," not sealed up and placed into the vaults of the bank for safe keeping, to be handed back to the depositor in kind, but left in a condition to be handled, used or appropriated, not only by the officers of the bank, the State Treasurer, but the board of internal improvement, and various other persons under their direction, who were desirous to make selections from the same.

Second, that these funds were so situated, that your committee cannot for a moment believe, that any distinction was or could be kept under the circumstances, between the funds of the state, and similar kind of funds received by the bank; and in support of this position, is the fact, that the officers of the bank were unable to state to the committee the precise kind of funds received when those entries were made upon the books of the bank. Neither can they inform the committee of the specific kind of funds, that have been paid to contractors and others, from the internal improvement fund; but testimony has been elicited to show that a large quantity of very worthless money has been paid from that fund, and a portion of which, at an advanced period of last summer.

The officers of the bank testified before the committee, that city funds or their equivalent, had been paid in all cases to those having claims upon the internal improvement fund, since the first of August last, and yet that is positively contradicted by other testimony. The president of the bank sets forth, in document (D.)

that the state has upon special deposit in the state bank, \$30,993 ; and yet the concurrent testimony of Hill, the teller, and the books, show that only \$19,919 78 were ever received from the state under such circumstances by the bank, except about \$300 of Ypsilanti money, not entered on the books. And what is still more unaccountable to your committee, if the testimony is all to be believed, is the fact, that out of the \$19,919 78 has been loaned more than \$24,000 by the commissioners of internal improvement ; a large amount has been paid to persons having claims against the state, and yet more than thirty thousand dollars remain on hand. This, surely, must be a most prolific fund.

Third, Your committee deemed it important to know the amount of indebtedness on the part of the directors of said bank, to that institution, to enable them to judge of its business operations generally, and particularly of their ability to meet a recent liability that they have assumed to the state, as directors of that bank, for the security and ultimate payment of the state fund, should the bank not meet its engagements. This information, they are sorry to say, was denied them ; as was also the information sought to be obtained in that very important item in their exhibit, viz : "Due from bank." This, it will readily be discovered, was large, and the absolute importance to know the banks from which it was due, greatly enhanced. Yet, as suggested above, your committee was informed that the inquiry could not be answered. How far the officers of the bank are justified in withholding the information thus sought, the committee leave the house to judge. They cannot, however, allow this occasion to pass, without saying that the bank would probably have consulted its own interest, and consequently those of the state, if they had taken a different course in this investigation. Shuffling evasion and concealment, are not the companions of honesty. It will also be discovered, by reference to the exhibit of the bank on the first inst., that their available assets are inadequate to meet their indebtedness to the state alone, without reference to their other liabilities. And in view of the above facts and conclusions, your committee are not at any loss to arrive at others in connection with this matter, with equal facility. And the subject involving the safety of the funds of the state, will next receive their attention. They believe the facts above stated to be sufficient to warrant them in coming to the conclusion, that the funds of the state cannot be safe while entrusted to that institution. Its course for the past year justifies the position taken. Its present condition is conclusive, and its course throughout this examination would be sufficient in the absence of all other reasons. They would therefore respectfully suggest the necessity of withholding from that bank any further deposit, and the withdrawal of the funds belonging to the state as soon as practicable. And in connection

with this subject, the committee beg leave to call the attention of the house to the fact, that a bond has been executed in the penal sum of \$500,000 by the directors of the State bank, (with the exception of John Norton, Jr.) for the security of this fund to the state, now held by the State bank, and is filed with H. Howard, State Treasurer, who is one of the signers. This bond, it appears, was executed and filed without its being required by any provision of existing law, and it was so filed, it is said, at the suggestion of the Governor, without expressing any opinion concerning its object. Your committee cannot believe that it can very materially affect the safety of the funds, neither should it, in their opinion, influence the action of the legislature upon this important subject. Your committee deem it unnecessary, if it could be thought to be any part of their duty, which they suppose it is not, to enter into an argument to convince any member of this House, that a very large amount of personal security would be requisite to secure so large a debt, and situated as are those signers, their responsibility must be intimately connected with that of the bank, and when the latter ceases to be a safe depository, the former must cease to be good security; neither will it be expected of the committee to enter into a detailed statement upon this subject. They have sought information upon a subject so very important, and have so far succeeded as to render the matter exceedingly plain to their minds. There is yet another subject to which the committee beg leave to advert. How far it comes within the purview of the resolution under which your committee was appointed, to express an opinion upon the subject of loans made by the commissioners of internal improvement, the committee will not stop to enquire; as that subject has necessarily been brought before them in this examination, they cannot well pass it without briefly alluding to the circumstances. It appears from the testimony that came before the committee, as well as from the statement of the commissioners themselves, that a large sum of money has been loaned to individuals and corporations called banks, without any law to warrant or reasonable excuse to justify it, and in some cases without taking any security for its repayment, and little doubt exists in the minds of your committee, that much of it will prove a total loss to the state, unless the bank or commissioners or both should be held liable to the state for its return into the treasury. There cannot be any doubt of its having been drawn from the bank without even the appearance of the shadow of a law to justify it, and therefore your committee would recommend that both the bank and commissioners be held responsible for its repayment. Your committee would also suggest, in view of the facts that have been elicited upon the occasion, that the bank be ordered to place to the credit of the state, the amount of money that she pretended to hold upon special deposits to her

credit, in good and available funds, and upon her refusal so to do, that an action be commenced against her for fraud and embezzlement.

In conclusion, your committee beg leave to observe, that throughout this protracted and most unpleasant examination, the greatest harmony and good feeling has existed between the members of the entire committee; and the majority would do violence to their own feelings if they did not here most emphatically declare, that throughout this very exciting and laborious inquiry, the minority have cheerfully co-operated, and extended their most efficient aid and very valuable counsel; and yet, as is very natural, the committee disagree in coming to certain conclusions, and inasmuch as the majority claim nothing for themselves that they are not willing to extend to others, they here take the liberty to say, that not a doubt exists in their minds that the minority are actuated (however they may err in judgment) by the same desire to subserve the best interests of the state.

All which is respectfully submitted.

HENRY ACKER,
Chairman.

A. HOWLAND,
AMMOS DAVIS.

DOCUMENTS

Accompanying the report of the select committee, appointed by the House of Representatives, to investigate the condition of the funds of the state, and also to report their opinion whether or not they consider them safe.

(A.)

F. H. STEEVENS, Esq.

DEAR SIR: The select committee upon state funds, &c. have instructed me as their chairman, to propound to you the several following interrogatories, to which they respectfully request written replies at your earliest convenience.

Detroit, Feb. 4, 1839.

First. The amount of money received into your bank belonging to the different funds of the state, naming them, for the current year ending January 9th, 1839; at what times received, and the amount now remaining in bank to the credit of the respective funds.

Second. The disbursements made by the bank during the time above mentioned. From which of the funds? upon whose draft or drafts? at what time or times? and in what kind of money? whether city, country, chartered, or safety fund? and the relative proportion of each.

Third. Whether your bank has received from the agents or officers of the state, within the time above specified, the notes of any bank or banks of this state, chartered or otherwise, or of other states, upon special deposit? If so, please name the banks, with the amount received from each, and the disposition, if any, that has been made of it, or if it continues yet upon deposit.

Fourth. Please state whether or not the bank holds itself liable to pay city funds where country funds have been received by the bank, and placed to the credit of the respective funds of the state? and if not, by what rule are you governed in making payment on checks drawn for money?

Fifth. Have payments been made to officers of the government or others, within the above named period, without a strict compliance with the law that governs that matter? and if so, to whom made, at what time or times, and to what amount? if the same has come within your knowledge.

Sixth. Has the check or draft of the Treasurer of the state, or any other officer entitled to draw the same, been protested for non-payment at any time during the past year? and if so, how often and to what amount? with their respective dates, and under what circumstances did the occurrences take place? If any drafts have been so protested, and by reason of the unwillingness of the holders thereof to receive the funds which you tendered them in payment, were the funds so tendered the identical funds received, and were they in good credit at the time they were offered in payment, or have they been converted by you since that time into current and available funds, and are you now willing, having enjoyed the use of them for a season, to pay the holders of said drafts in current money?

Seventh. You will also please inform the committee whether any change has taken place in the condition of the funds of the state between the date hereof, and the said ninth day of January last, either in receipt, disbursement or otherwise; and if so, the particulars in relation to it.

(B.)

Statement of Michigan State Bank, 1st February, 1839.

Resources.

Michigan state bank stock,	\$52,192 50
Bills discounted,	312,127 89
Real estate,	20,000 00
Real estate securities,	11,545 52
Due from banks,	186,630 03

Carried forward,

§

Brought forward,		\$	
Advanced public officers,			76,449 32
" to contractors and others,			67,978 14
Specie,	\$46,897 99		
State draft,	60,000 00		
State stock,	53,675 09		
Bank notes on hand,	67,482 00		
Eastern funds,	105,373 62		
			<hr/>
			333,428 61
			<hr/>
			\$1,060,352 01

Liabilities.

Capital stock paid in,		\$220,000 00
Certificates issued,		13,895 45
Profit and loss,		550 97
Due to banks,		21,896 43
Henry Howard, State Treasurer,	\$14,403 42	
do contingent fund,	1,474 16	
do sinking fund,	85,895 29	
do internal imp. fund,	482,595 87	
do bank fund,	1,651 43	
do Allegan and Marshall		
railroad company,	60,000 00	
do primary school fund,	11,850 88	
		<hr/>
		607,871 05
Deposites,		90,768 11
Circulation,		105,572 00
		<hr/>
		\$1,060,352 01

*(C.)**State Bank stock.*

State the amount received from each person, and under what circumstances, and upon what terms and conditions.

Bills discounted.

State the fact whether or not that amount is considered safe and secure to the bank, and if not, what proportion of this amount is unsafe.

Due from other banks.

State the amount due from each, naming them, and whether the same is payable on demand.

Advanced to public officers.

State the amount due from each, when advanced, for what purpose, whether at interest or not, upon what security and upon what authority, and whether the state is considered to be liable in any case.

Advanced to contractors and others.

The same answers are sought as the last.

Specie.

State the amount of foreign gold,	
do	do American gold,
do	do silver coin,
do	do gold and silver bullion.

State drafts.

State by whom drawn, on whom, date, maturity, and amount of each, and when payable.

State Stock.

State the amount of each certificate, whether it is Michigan stock or that of other states, rate of interest, when and where payable, principal when and where payable, from whom and when obtained, in what funds paid for, and at what price.

Bank notes on hand.

State the amount of each bank.

Eastern funds.

State the amount of Morris canal notes, and whether any condition is attached to their disbursement, what amount of New York incorporated banks and what amount of unincorporated bank notes in New York, and what amount of the notes of other eastern banks, naming them.

Profit and loss.

Are there any sums of money belonging to the bank accruing from profits on exchanges, or from country or uncurrent notes bought or sold, not to the credit of this account; if so, in what account are they credited, and for what reason are they not entered in this account? Have any profits been made in the bank from such sources which have not been so credited, and what disposition has been made of such profits?

Due to banks.

State the amount due to each.

Circulation.

State whether this item embraces any or all the post notes issued by the bank. If not, what amount have been so issued, and to what account are they credited?

Certificates issued.

Explain this item.

F. H. STREEVENS, Esq.,

Dear Sir—The above inquiries, have suggested themselves to the committee of investigation, upon examining the report of your bank, submitted to them by yourself, on Monday last. Full and explicit answers are expected by the committee, at your earliest convenience, and they would also beg leave to observe, that in prosecuting this investigation, they will expect that in all replies made to their enquiries, they will be accompanied by the oath or affirmation of the officers of the bank.

Your ob't serv't,

HENRY ACKER, *Chairman.*

Detroit, Feb. 6, 1839.

(D.)

MICHIGAN STATE BANK, {
Detroit, Feb. 12, 1839. }

Hon. HENRY ACKER, Chairman :

Dear Sir—I have the honor to present you the following answers to the interrogatories contained in your communications of the 4th and 7th instant. The information respecting the amount of money received into the bank belonging to the state funds, for the current year, ending January 9th, at what time received, and the amount remaining in bank to the credit of the respective funds, the disbursements made by the bank during the above period, from which of the funds, upon whose draft, and at what time or times, I beg leave to refer you to the report made by the State Treasurer, to the legislature. The kind of money received and placed to the credit of the respective funds of the state, excepting the internal improvement fund, has consisted almost entirely of Michigan country chartered and safety fund notes. That received and placed to the credit of the internal improvement fund up to the first of August last, was country chartered, and the credits to that account since, were Morris canal and banking Co's notes, \$200,000, and drafts drawn by Gov. Mason, on the Morris canal and banking company, at ninety days, considered equal to city (Detroit) money, and the disbursements from that fund since said first of August, have been made in Detroit city bank notes, or their equivalent.

3. The bank has received from time to time notes of the safety fund banks on special deposits, and have in some cases used them, and have now on hand \$30,093.

Grand River bank,	\$4,640 00
Bank of Niles,	2,499 00
Bank of Oakland,	2,113 00
Saginaw city bank,	2,195 00
Bank of Utica,	1,956 00

Various other safety fund bank notes, \$16,690. Of the above named funds, about \$11,000 were received from the railroad collectors for the account of the sinking fund; and John D. Pierce, Esq., Superintendent of Public Instruction.

4th. The bank does not consider itself liable to pay city funds, except when city funds or their equivalent have been deposited.

5th. The bank has made advances to J. B. Hunt, Commissioner, D. C. McKinstry, Commissioner, Porter and Gibson, Commissioners, and John D. Pierce, Superintendent of Public Instruction.

6th. The checks drawn by the State Treasurer, on this bank, amounting to about \$25,000, have been presented, and upon the refusal of the holders to receive the identical funds, which were deposited to the credit of the account against which they were drawn, were protested for the non-payment. Two of the above named drafts, amounting to \$15,000, have since been arranged to the satisfaction of the holder.

7th. There has been no change in the condition of the funds of the State bank, other than the ordinary business transactions, which has resulted in the reduction of the amounts to the credit of the state.

8th. The stock has been received from persons indebted to the bank, and in no case at a less rate than par value.

9th. We consider the whole amount good.

10th. The amount due from bank has been reduced since the statement of the first inst., more than forty thousand dollars, leaving now due, about one hundred and forty thousand dollars. Of this amount the greatest proportion is due from eastern banks, and the balance from banks of this state.

In reply to "Advanced public officers, contractors and others," I would refer you to my report made to the senate, of the 5th inst.

13th. *Specie.* Foreign gold, \$29,151 63; American gold, \$2,500; silver, \$852.

14th. We have six state drafts of \$10,000 each, dated December 1st, 1838, at ninety days, payable at the Morris canal and banking company, drawn by Governor Mason, and accepted by them.

15th. *State stock.* This stock was received from Oliver Newberry, Esq., being Michigan six per cent, payable in New York.

16th. *Bank notes on hand.* Special deposits, \$30,093; country chartered, \$20,019; other bank notes, \$7,473.

17th. *Eastern funds.* Morris canal and banking company, \$100,000.

18th. *Certificates issued,* are for moneys deposited, payable in same kind of funds, upon presentation.

19th. *Profit and loss,* is the amount received for discounts on notes and from the sale of exchange.

20th. *Amount due to banks.* This amount as reported to the Bank Commissioner, has been reduced more than \$15,000; the remainder are balances due for collections.

21st. *Circulation.* The amount reported embraces all our circulation, including post notes.

F. H. STEEVENS, *Pres't.*

STATE OF MICHIGAN, }
County of Wayne, } ss.

I, Frederick H. Steevens, president of the Michigan state bank, do solemnly swear, that the matters and things set forth in the foregoing statement, signed by me, are true, according to the best of my knowledge and belief.

Sworn and subscribed before me, this 12th day of February, 1839.

A. TEN EYCK,
Not. Pub., Wayne co., Mich.

(E.)

Detroit, February 13, 1839.

F. H. STEEVENS, Esq.,

Sir—I have had the honor of submitting your communication of the 12th inst. to the committee of investigation of which I am chairman, for their consideration, and I am instructed by that committee unanimously, to inform you that your communication, purporting to be an answer to certain interrogatories propounded by the committee on the 4th and 7th inst., is exceedingly unsatisfactory to all the members of that committee. They consider your replies rather an evasion of the questions than answers to their interrogatories, particularly those in which they feel a deep interest, in common with the country. And they instruct me farther to state, that although unwilling, they are compelled to

consider your communication as an insult offered to their understanding. The committee has concluded, and request me to say to you, that the examination will hereafter be made by calling the officers of the bank before them, to testify to facts that may be in their possession relating to this matter, and yet they are desirous of so far consulting the convenience of the bank as to allow them to select the place most convenient for them to attend upon the committee.

Your's respectfully, &c.

HENRY ACKER, *Chairman.*

(F.)

Michigan State Bank, Detroit, Feb. 14, 1839.

Hon. HENRY ACKER, *Chairman, &c.*

Sir—Your communication of the 14th inst. is received. Far from any intention to insult the understanding of the committee, the undersigned intended in his answers to the interrogatories, to be explicit in his statement, and furnish the information requested. If, however, your committee wish any more exact information on the subject of inquiry, I would name the bank as the place of meeting for your committee, at such time as may suit your convenience. The bank would be preferred as the place of meeting, on account of the ready access that the officers of the bank may have to its books, &c.

Very respectfully, your's, &c.

F. H. STEEVENS, *President.*

(G.)

A statement of funds belonging to the state in the Michigan state bank, said to have been left upon special deposite.

General fund account.

Bank of Lapeer,	\$1,631 00
Farmers' bank of Sandstone,	674 00
Farmers' bank of Genesee county,	1,885 00
Jackson county bank,	1,204 00
Bank of Manchester,	920 00
Farmers' and Mechanics' bank of Pontiac,	935 00
Macomb county bank,	50 00
Farmers' bank of Oakland,	27 50
Bank of Saline,	488 00
Grand river bank,	25 00
Farmers' bank of Sharon,	32 00
Bank of Marshall,	363 00
Bank of Brest,	61 00
Lapee county bank,	53 00
Bank of Coldwater,	228 00
Wayne county bank,	202 00
Bank of Battle Creek,	2 00
Bank of Kensington,	131 00
St. Joseph county bank,	143 00
Clinton canal bank,	574 00
Bank of Singapore,	9 00
Farmers' bank of Homer,	3 00
Bank of Oakland,	3 00
Bank of Niles,	4 00
Saginaw city bank,	26 00
Bank of Pontiac,	2 50
Shinplaster,	62
Merchants' and Mechanics' bank of Monroe,	31 00
Michigan state bank,	1 00
Manhattan bank, Ohio,	4 00
Bank of Allegan,	191 00
Huron river bank,	3 00
Berrien county bank,	30 00
Bank of Washtenaw,	546 00
Calhoun county bank,	6 00
Genesee county bank,	20 00
Bank of Clinton,	28 00
E. F. Cook's note,*	1,000 00

\$11,536 62

*This note was found with the money, dated 7th April, 1836, payable six months after date, endorsed by Charles Grant, and not protested when due. Commissioners of internal improvement loaned the money, says the bank.

Sinking fund account.

Merchants' and Mechanics' bank Monroe,	\$122 00
Merchants' bank of Jackson,	116 00
Grand river bank,	5,520 00
Bank of Battle Creek,	433 00
Bank of Marshall,	168 00
Bank of Niles,	2,858 00
Huron river bank,	154 00
Bank of Gibraltar,	171 00
Farmers' bank of Homer,	37 00
Lenawee county bank,	10 00
Detroit and St. Joseph railroad bank,	134 00
Bank of Superior,	17 00
Millers' bank of Washtenaw,	16 00
Bank of Utica,	181 00
Commercial bank of Michigan,	73 00
Bank of Oakland,	2,113 00
Saginaw city bank,	2,195 00
Bank of Utica,	1,956 00

\$16,273 00

School fund account.

Merchants' and Mechanics' bank, Monroe,	\$214 00
Bank of Marshall,	89 00
Saginaw city bank, (counterfeit)	5 00
Bank of Superior,	11 00
Huron river bank,	50 00
Merchants' bank of Jackson county,	186 00
Bank of Gibraltar,	127 00
Detroit and St. Joseph railroad bank,	270 00
Bank of Niles,	374 00
Grand river bank,	267 00
Bank of Oakland,	188 00
Commercial bank of Michigan,	89 00

\$1,870 00

(H.)

Detroit, Feb. 14, 1839.

F. H. STEEVENS, Esq.

Sir—As it is important that a right understanding should exist between us, the committee beg leave to state, that they claim the right under the resolution of the House—first, to inquire generally into the condition of the funds of the state. Secondly—specifically as to each of the particular funds. Thirdly—the kind

of funds that have been received into the treasury and the kind of funds that now remain there. Fourthly—the disbursements made to public officers, agents, contractors and others, from the state funds. Fifthly—the condition of the bank in which the funds of the state are deposited, with reference to their present and ultimate security.

HENRY ACKER, *Chairman.*

(No. 32.)

Report of the minority of the committee on the subject of the state funds, &c., in pursuance of a resolution of the 2d February last.

The minority of the select committee, to whom was referred the resolution passed on the second February last, in the following words :

“Resolved, That a select committee of five be appointed by this house to inquire and report forthwith, the condition of the funds belonging to the state, where they are, in what kind, and whether in their opinion they are now safe and available to the state, and that the inquiry extend to all the funds belonging to the state, as well as to disbursements under the last session, and that they have power to send for persons and papers ;” respectfully beg leave to report in part :

That in the performance of the duty imposed by the resolution, your committee went to the Michigan state bank, which has charge of the state funds, and there met F. H. Steevens, Esq., president of that institution, agreeable to a previous arrangement : Mr. Norton, the fiscal agent of the state, being absent.

Your committee received from Mr. Steevens the last monthly statement of the bank, dated first February, 1839, a copy of which is herewith submitted.

By this statement it appears that the liabilities of the bank, exclusive of the two items denominated “capital stock paid in,” and “profit and loss,” amounting to the sum of \$839,811 04, of which the sum of \$607,871 05 belongs to the various funds of this state. The balance is composed of items denominated “circulation,” “certificates issued,” and “due other banks.”

The aggregate amount of the assets of the bank, as shown by this statement, is \$1,060,352 01, from which should be deducted the items designated “Michigan state bank stock,” and “real estate,” amounting to \$72,192 50, leaving a balance of \$988,159 51 of funds which, it is confidently believed, will be made available to the bank.

Of this amount, the sum of \$665,486 10 consisted in specie, state drafts, liabilities of banks, state stock, eastern and other bank notes, and sums advanced to public officers, &c. The amount advanced to public officers on the first of February last, was \$76,449 32, which would reduce the actual indebtedness of the bank to the state to \$531,421 73.

From these data the undersigned are of opinion, that under ordinary circumstances and in ordinary times, the above statement

of the resources of the bank would be deemed by financiers, abundantly sufficient to meet all its liabilities, and would prove so now, had it not been for the unparalleled run upon the bank for the last sixty days.

The undersigned have, therefore, no hesitation in saying, that it is their unshaken belief that the Michigan state bank has abundant resources to discharge all its liabilities, and that the state deposits are perfectly safe.

The undersigned have arrived at this conclusion after a careful and laborious examination, not only of the officers of the bank, but also of actual inspection of the books and other evidences of its transactions.

The bank has, at all times, furnished, with great promptitude, facilities for carrying on the different state works now in operation; and at this moment is in advance to the state on the general fund, to the amount of some fifteen or twenty thousand dollars, an item not embraced in the foregoing statements.

It is apparent to the undersigned, that the bank has extended its business rather beyond the bounds of prudence, and that it will, under present circumstances, meet with some delay in making its resources immediately available to pay the debt to the state; but this difficulty is mainly attributable to the unexampled run made upon it for specie, and its temporary suspension, which was deemed necessary, both for the interest of the bank and the public.

But from the business arrangements of the bank now in progress, the undersigned are of the opinion that the debt due the state will be reduced to an amount less than \$350,000 in a very brief period. In this belief we think we are fully warranted by facts, and as one evidence of the ability and the commendable disposition of the officers of the bank to redeem its liabilities to the public, it is deemed proper and a matter of justice to the bank to say, that since the first of February to the present time, the institution has paid the state over one hundred thousand dollars, as appears by the monthly statement of the first of March; and here, as an act of justice to the bank, we feel bound to state, that in our opinion the embarrassments under which it is temporarily laboring, have resulted from motives the most praiseworthy—being a disposition to extend facilities to the business public which are denied them at other institutions. As the depository of the state funds, the public expected aid at its hands, and in extending this aid with a disposition to advance the good of the community and the best interests of the state, the existing embarrassments have been created.

The undersigned, in consequence of the suspension of the Michigan state bank since their appointment, think it necessary and proper to examine the condition of that bank on the first day of February, 1839, and the prospect of its being able to redeem its

liabilities to the state ; and in order to do so in a comprehensive manner, will draw a comparison between that bank and the Bank of Michigan and the Farmers' and Mechanics' Bank, while the two latter institutions were the depositories of the United States government funds. And here the undersigned would beg leave to say, that the conclusions the majority of the committee have arrived at in their report, are not in the opinion of your committee correct. The majority committee, in arriving at the conclusion that the state funds now on deposit in the Michigan state bank are unsafe, have not taken into consideration the bills discounted of the bank, (and which form a large item of its assets,) and other available items which are applicable to meeting its liabilities. Assuming that position, what was the condition of the Michigan state bank on the first of February, compared with the condition of the Bank of Michigan, and the Farmers' and Mechanics' Bank, at the periods alluded to below.

The immediate liabilities of the Michigan state bank, did, on that day, amount to the sum of \$839,801 04, to meet which it had the following available funds :

Specie,	\$46,897 99
State drafts,	60,000 00
Current notes on hand,	37,482 00
Eastern funds,	105,373 62
State stock,	50,000 00

\$298,753 61

The Bank of Michigan on the 1st November, 1836, as appears by a public statement of its affairs, owed the enormous sum of \$2,563,042 08, to meet which she had the following : specie, \$264,062 00, and notes of other banks the sum of \$90,439 00, making the sum of \$354,501 00 ; leaving the sum of \$2,208,541 08 deficit. And still that bank, while laboring under embarrassments much greater than the Michigan state bank now does, and during a period embracing the most pressing, in a pecuniary point of view, this country perhaps ever experienced, has, by its means and the continued confidence of the public, enabled itself to redeem its liabilities to the public in a manner more favorable than its friends could, at that period, have anticipated. The Farmers' and Mechanics' bank, as also appears by a published exhibit of its affairs, on the 12th November, 1836, was immediately liable in the sum of \$48,638 20, to meet which it had specie, \$69,054 78, and notes of other banks, \$58,410 26, making \$128,365 04 of assets immediately available ; leaving the sum of \$720,273 16 deficit.

From the above data, is it not fair to conclude that the Michigan state bank can, with the present flattering prospects in the revival of trade, and the facilities it may thereby receive, and by

the future good management of its affairs, go on and redeem its liabilities to the public in as satisfactory a manner as the two other institutions alluded to have, by extending to the bank in her present crippled condition, produced by the recent run upon it, reasonable indulgence? The undersigned are of the opinion it may. In order to shew the condition of the Michigan state bank in regard to the amount of specie on hand in proportion to its bills in circulation, it will be necessary to institute a comparison with the report of the Bank Commissioners upon the country banks of the state of New York, recently made to the legislature of that state. The New York banks, with a circulation averaging from 180 to 400,000 dollars, had an amount of specie not exceeding, on an average, the sum of from 12 to 15,000 dollars each—while the Michigan state bank had, on the first of February, a circulation of \$105,572, and specie on hand to the amount of \$46,879 99—showing, in this particular, a far more favorable aspect.

The undersigned have thus briefly exhibited a plain and unvarnished statement of facts, exhibiting the condition of the funds belonging to the state, now on deposit in the Michigan state bank, and their opinion of their perfect safety, and of the ability of the institution to meet every liability, if not immediately, at least in a brief period.

All of which is most respectfully submitted.

J. CLARK,
J. DECKER.

March 2d, 1839.

Statement of the Michigan State Bank, February 1, 1839.

Resources.

Michigan state bank stock,	\$52,192 50	
Bills discounted,	312,127 89	
Real estate,	20,000 00	
Real estate securities,	11,545 52	
Due from banks,	186,630 03	
Advanced to public officers,	76,449 32	
“ contractors,	67,978 14	
Specie,	\$46,897 99	
State drafts,	60,000 00	
State stock,	53,675 00	
Bank notes on hand,	67,482 00	
Eastern funds,	105,378 62	
		<hr/>
		333,428 61
		<hr/>
		\$1,060,352 01

Liabilities.

Capital stock paid in,		\$220,000 00
Certificates issued,		13,895 45
Profit and loss,		550 97
Due to banks,		21,696 43
H. Howard, State Treasurer,	\$14,403 42	
“ contingent fund,	1,474 16	
“ sinking fund,	85,895 29	
“ internal imp't. fund,	432,595 87	
“ bank fund,	1,651 43	
“ Allegan and M. R. R.,	60,000 00	
“ primary school,	11,850 88	
	<hr/>	607,871 05
Deposites,		90,566 11
Circulation,		105,572 00
		<hr/>
		\$1,060,852 01

(No. 33.)

Report of the committee to whom was referred the petition of the stockholders of the White Pigeon Beet Sugar Company.

The select committee, to whom was referred the petition of the stockholders of the White Pigeon beet sugar company, and other citizens of St. Joseph county, praying for a loan of money to forward their operations in the manufacture of sugar from the beet, respectfully report :

That their aversion to loans by the state, which have to some extent been granted, where but little general benefit to the people of the state may be expected, has led them to an attentive consideration of the subject referred to them.

The committee are well satisfied that the statements embraced in the memorial are substantially correct, and that there is a legal and permanent organization of the said company, it being composed of a large number of practical and intelligent farmers and other citizens, who have already erected large and substantial buildings, and procured, in part, the necessary machinery, at great expense.

And your committee are also satisfactorily assured that the embarrassments in the monetary affairs of the state, since their operations were commenced, have thwarted, and even prostrated, for the present, the progress of their extensive and worthy enterprise. It is under these circumstances, that they ask at the hands of the legislature a loan of five thousand dollars for their relief, which will enable them to prosecute their works, and fully demonstrate (at their own risk, if any exist,) to the people of this state, the practicability or impracticability of manufacturing their own sugar from the beet.

The committee believe the first inquiry should be, whether the benefit and revenue to be derived by such manufacture, are of sufficient magnitude to warrant its aid by the state. Second, whether there is any just probability that the effort to manufacture sugar from the beet in this state can be attended with general success. And third, whether it would be consistent with the general course and policy of the state government, to aid and encourage this branch of agricultural and manufacturing interest, until the difficulties and want of experience, at present existing, are overcome, (which must be attended with much pecuniary loss,) and until it shall become more generally known and understood by the people.

It is very evident, that the amount of money annually taken

from the people of the state and paid in a foreign market, for this one article, is immense.

Your committee have made an estimate of the annual consumption of foreign sugar within the limits of the state, which they believe to be quite within the bounds of positive proof. Computing the number of inhabitants at 225,000, and the average amount of common and refined sugar consumed by each person at twenty pounds, would amount to 4,500,000 pounds, which, estimated at sixteen cents per pound, would amount to *seven hundred and twenty thousand dollars*.

Your committee are aware that doubts exist in the minds of some of the members of this house, as to the probability of success in the manufacture of beet sugar in this state; but, from their own experience in the culture of the beet, the committee do not hesitate to express the opinion, that the adaptation of the soil and climate to the growth of the beet, in this state, is unsurpassed by any other country.

Recent improvements of very great importance have been made, and introduced in many parts of Europe with distinguished success, in the hitherto difficult process of defecation, evaporation, &c.

The following is an extract from a letter published a short time since, from the Hon. H. L. Ellsworth, commissioner of patents at Washington, whose integrity and devoted interests to the agricultural prosperity of our country, entitle it to a respectful consideration.

Your committee here introduce this extract for the purpose of removing the most serious objections that can be urged to this undertaking, and of exhibiting the strong probability that the day is not far distant when Michigan may, with suitable energy, export her loaded cars of beet sugar to other markets, and thus bring millions into her treasury, instead of taking annually from it, and increasing the heavy exchanges which now exist against us.

On the subject of beet sugar, he remarks, "It would indeed seem that we must soon approach perfection, so quickly is one improvement crowding upon another! The difficult and tedious process of ordinary evaporation, with all the concomitants of blood, animal carbon, &c. &c. are to be dispensed with, and instead of three, four and five per cent, *nine* per cent is to be surely obtained, in less time and with half the expense. In addition to this, common sugar is *refined* without any new solution, or even changing the moulds.

"Desiccation, or drying of beets, has been recommended. This is certainly the correct principle, as much noxious matter is carried off by evaporation, and the bulk of the beet is reduced

five-sixths, enabling the farmer who lives at a distance from the factory, to transport his produce with a trifling expense.

"Experiments made before the French Academy, show that there are in one hundred pounds of beet, eighty-five pounds of water, ten and one-half pounds of sugar, five-tenths pound of mucilage, and four pounds of fibrous matter.

"This was extracted by M. Beyraud in eight minutes, by the aid of heat and pressure. In the duchy of Baden, a slower process is adopted, and one better suited to large establishments.

"Mr. Schuetzenback, at Baden, cuts the beets into pieces one-third of an inch apart, by a vertical knife. These are again subdivided by other sharp knives. As soon as they come in contact with the warm air, they curl up, and lose all their adhesive property, (so common to some vegetables) and allow a free circulation of heat in the kiln. Kilns are heated to 100 or 122 degrees Fahrenheit. The apparatus of Mr. S. is simple. The cutting machine costs not more than \$100. One half a horse power is sufficient to propel this, and working every day for three months, it cuts 1,000,000 kilograms, equal to 1,093 tons.

"A stove or kiln ten feet long by nine feet high, during 24 hours dries 300 pounds of beets, and consumes 420 pounds of charcoal. Three such stoves or kilns would dry all that would be cut with the above machine. Mr. S. reduces the dry beet to a coarse powder, and stows this away in casks or bins, sprinkling it with lime. In this manner it will keep perfectly good a long time. When it is wanted for manufacture, a small quantity of water is added to it, which produces sweet water, which is easily evaporated by Roth's apparatus, without any other preparation. The first crystalization produces what is called "a good fourth," which after a second crystalization makes common sugar.

"The advantages of this method are such, that beets in 1837, (less rich than former years) yielded 8 per cent of sugar, instead of 5 per cent, which was the highest by the old process.

"A great desideratum is now obtained of making *refined sugar* by the aid of pressure, in three days, without a change of the moulds! In the old mode it required three weeks. The researches of a young chemist of Toulouse, promise great advantages. He has invented a new sacchrometer, by which he can discover to a fiftieth part, the richness of the saccharine matter in beets, and all other substances containing crystalizable sugar.

"As I remarked before, 100 pounds of beets contain 10 pounds of sugar; allowing one per cent for waste, nine per cent remains. To dry the beet and extract the sugar, does not cost over ten francs; add to this the cost of the beets, twelve francs, twenty-two francs; making ninety pounds of sugar cost \$4 50, or five cents per pound; add for refining and other contingencies, 50 per

cent, and excellent refined French sugar costs only about seven cents a pound.

"To perfect the present inventions, the French government have offered premiums to discover the best method of drying the beet; extracting the sugar; converting raw sugar into refined without changing the moulds; also for the best sacchrometer. What greater encouragement is needed, if these discoveries can be brought to this country. How desirable is it, that there should be an agricultural bureau added to some department of the government to watch over these interests. No country has neglected the laboring classes who till the ground, so much as our own.

"When we consider that our rich lands will yield 20 tons of beets per acre, equal to 40,000 lbs. and that nine per cent would give 3,600 lbs. sugar, leaving a valuable residuum for agricultural purposes, we must congratulate those whose means have so long denied them the full enjoyment of one of the greatest luxuries of life, and congratulate our country too, on such additional means of making us independent." Beets were sold the last fall near Boston for \$5 per ton.

In conclusion, your committee would remark, that from the views which they have taken of this subject, it is of incalculable importance to the state that the manufacture of beet sugar should be introduced as speedily as possible within its limits.

When it is remembered that upwards of \$420,000 have recently been loaned to different companies for purposes of internal improvement, and that little aid has yet been given by the state to promote its great agricultural interests; and inasmuch as the subject referred to, is one little understood, generally, by the people of the state, it is believed that the petition of the individuals who have enlisted in this enterprise, should be granted, under appropriate and safe provisions on the part of the state; and in so doing your committee believe that a loan could not be made that would be more cheerfully sanctioned by the people of the state, or more productive of general and intrinsic benefit.

Your committee therefore present and recommend the passage of the accompanying bill.

All which is respectfully submitted.

SAMUEL A. CHAPIN,
Chairman.

(No. 34.)

Report of the Special Committee on Temperance.

The select committee, to whom was referred the petitions of sundry citizens of the counties of Hillsdale, Lenawee, Washtenaw, Livingston and Oakland, praying that the laws authorising the sale of spirituous liquors may be repealed, and that a law may be passed effectually prohibiting the sale of all intoxicating drinks, to be used as a beverage, respectfully report :

That the subject has received the full and impartial consideration of the committee. They are aware of the excited state of feeling on this subject which pervades particular communities, and act with all deference to the claims of the many female petitioners whose names appear on the memorials, upon the gallantry of any committee of this house : and while we bow to their irresistible influence, whilst moving in their legitimate sphere, we protest against its operation upon the measures of the government. All our gallantry of feeling and all our anxiety to please, are controlled by the great responsibility to our country with which we are clothed, as the representatives of the people. Our duty demands of us the promotion of "*the greatest good of the greatest number*," and it is with a solemn sense of that imposing duty that we approach the subject submitted to our consideration.

The first prayer of the petition is, to repeal all laws in relation to the sale of intoxicating liquors.

In relation to this part of the petitions, the committee are of opinion, that the restraints thrown round the sale of intoxicating drinks, by existing laws, are just and proper, and ought, by no means, to be removed; and it is a matter of no little surprise, that the professed friends of temperance should ask the government to remove all restraints against a general and promiscuous traffic in intoxicating liquors.

The great object, however, of the petitions seems to be to procure the passage of a law prohibiting all sales of intoxicating liquors to be used as a beverage.

This part of the subject presents an inquiry worthy of the profoundest meditation of the statesman, the historian, the philosopher and the philanthropist, namely, the best method for eradicating the existing evils or excesses in the habits, or customs, or manner of living, in any particular state or nation ?

If we look back upon the countless millions who have hitherto peopled the earth, but now sleep in the dust, and inquire what wisdom or knowledge their existence has taught the present and

future millions who must follow them in perpetual and ceaseless succession, we shall find emulation and ambition the moving power of man; and assimilability to surrounding creatures the aim and object. An Alexander, a Cæsar or a Bonaparte, occasionally sails from the usual sphere of man, like the blazing stars in their aerial course, but the great mass of man in his onward course, like the universal order of nature, remains the same. In all ages, we find man capable of being acted upon by surrounding circumstances, of his own volition. In no age or nation, will it be found that his will can be controlled by physical power. The habits and customs of the human race emanate from their will, and are consequently governed and controlled by it. The laws of God leave man a free agent; they place all created things before him, with a knowledge of their properties, and tell him "so to use as not to abuse them; to make all created things subservient to the wants and happiness of man, by a proper medium between use and abuse." When the legitimate and proper use of an article is not dangerous to community, it would be unjust and tyrannical to attempt to impose legal restraints by acts of legislation.

If we assume the position that prohibitory laws should be passed to interdict the use of articles, the abuse of which is injurious, we virtually impose an injunction against the use of any thing and every thing. For there is not an article in all God's creation, the wrongful use of which may not be injurious.

So far as legislation is concerned, we lay it down as an invariable rule, that the excesses of men in the use of drinks or anything else, when confined to the person using it, cannot be prohibited by law. To pass a law that a man shall not use intoxicating drinks, would be not only void, but the assumption of perfectly despotic power on the part of the government. A free government can never pass such a law, and a free people would never submit to it.

The committee beg leave to suggest, more particularly to the female petitioners, a course, which, in the estimation of the committee, would do more to cure the evil of intemperance than all the restraints which the government could possibly impose; a course by which, and by which alone, intemperance can be checked, and finally overcome. It is to use the commanding and ever powerful influence of public opinion against it. Continue to enlighten public mind by knowledge. Instil into the minds of the rising generation, that so far as regards his own conduct, man can be what he wills to be; that his judgment should be the guide of his actions, that he *can* do what he *ought* to do, and that his own happiness consists in his usefulness and the happiness of others. That the excessive use of intoxicating drinks, like all other excesses, is destructive to property, character and happiness, and ought never to be indulged. Exterminate and utterly

obliterate the degrading opinion that man cannot govern his own conduct according to the dictates of his own will and judgment. In short, learn man to regard his proper elevation in the scale of being, and there will be little to fear from intemperance.

The committee are of opinion that no legislation is necessary. All which is respectfully submitted.

J. GOODWIN, *Chairman.*

(No. 35.)

[Sen. Doc. No. 22, reprinted by order of H. R.]

Report of K. Pritchette, Bank Commissioner, relative to specie certificates, issued to create banks, &c.*To the Honorable the Senate
of the State of Michigan:*

In obedience to the resolution of your honorable body, directing the Bank Commissioners "to furnish the Senate with a list of the specie certificates, issued and loaned by individuals, banks or other institutions, for the purpose of creating banks under the general banking law of this state, by whom and to whom issued; also the names of the officers and directors of the different institutions that have been placed under injunction; and further, that the Commissioners furnish the Senate with copies of the affidavits and other testimony taken by them in their investigations, calculated to exhibit the manner and by whom said bankrupt institutions have been organized," the undersigned has the honor to present the following report:

The general scope of the resolution seems to contemplate a detailed statement, exhibiting at one view, the method and agency by which the numerous institutions under the general banking law were set in motion.

A full compliance with the object of this resolution, is not within the power of the undersigned.

The Bank Commissioners appointed under the act of Dec. 31, 1837, with a view to facilitate their labors, divided the superintendence of the banks between them, according to their location, which division corresponded with the three judicial districts. Many institutions were put in operation, and several were bankrupt before their appointment took place. The minutes of the examinations within the limits of the third judicial district are not at hand, and the information here supplied on the subject, is drawn from recollection of disclosures made from time to time in the mutual interchange of the results of the official labors of the Commissioners. The specie certificates, however, hereafter mentioned, undoubtedly existed, and the amounts are believed to be accurate. There have been certificates issued and used temporarily, and afterwards been withdrawn, and others withheld from exhibition to the Commissioners after the knowledge (derived from the example of others) that they would be considered as inadmissible. Institutions likewise have been set in motion by

the direct loan of specie, which passed from bank to bank for this purpose. The Commissioners guarded their intention of visiting institutions, both as to time and order of examination, and yet the most scrupulous care was sometimes insufficient to prevent specie from preceeding them in the hands of agents, in anticipation of their coming. Even the conviction of the fact was unavailing, met as they were, in such cases, by direct and positive denial under oath, to every query. The indisposition of individuals to present themselves openly as informers, and the want of power to enforce their authority to examine those not connected with the institution under oath, made this information of the Commissioners in many instances useless, except as a stimulant to increased vigilance.

Frequent and unexpected visits subsequently made, developed the insolvency of such institutions. But it will be plainly perceived, that a series of trifling and corroborative circumstances, discrepancies in the statements of the officers of different banks as to their mutual transactions, casual conversations, confidential suggestions, and various other kinds of information too slight for detail, may become important guides in action, and yet be entirely inadmissible for want of legal certainty into an official report. Much of the information obtained regarding the loan of specie and its use, is of this character. The same is in some degree true, concerning the projectors of many of these institutions.

The following list of specie certificates, &c., is formed by an abstract from the minutes kept by the Commissioner having in charge the banks comprised within the limits of the first judicial district—a memorandum furnished by Alpheus Felch, Esq., which is principally drawn from the reports heretofore made,—and the recollection of the undersigned, of such as occurred in the examination of the Commissioner within the third district.

By a careful examination of this list, it will be seen, that in some instances banks put into operation by fraudulent means, were themselves, in turn, the parents of similar offspring.

The transactions of fraudulent institutions and their modes of proceeding, have, in many cases, been concealed with the greatest care and ingenuity. A complete development can only be obtained by a vigorous and uncompromising investigation in the courts of law. Without this, all examinations are comparatively useless.

The singular impunity heretofore enjoyed by the actors in the shameless frauds which have been committed, has encouraged and extended the evil. Some legislative provision, through which the severest penalties of the statutes can be inflicted upon the offenders, will alone prevent their repetition, and afford an adequate protection to the public.

In compliance with the second requirement of the resolution, a

list of the officers and directors of the several institutions under injunction is hereunto appended, as far as they are within the knowledge of the undersigned. Where the directors are not known, a list of the stockholders is substituted, which of course includes the names of the directors, although not specified.

The concluding demand of the resolution is complied with by the transmission of all the affidavits in the possession of the undersigned. They have all been, heretofore, it is believed, presented to the legislature in the several reports of the Commissioners.

The report is as complete as the materials in the possession of the undersigned have enabled him to present.

All which is respectfully submitted.

K. PRITCHETTE,
Bank Commissioner.

Specie Certificates, &c.

BANK OF GIBRALTAR,

Exhibited on examination, Feb. 1, 1838.

Jan. 1.	In State bank, F. H. Steevens,	\$1,000 00
23.	Farmers' and Mechanics' bank, H. H. Brown & Co.,	1,000 00
1.	Bank of Brest, Theodore Romeyn,	1,000 00
Feb. 1.	State bank, Joshua Howard,	388 00
1837.		
Sept. 29.	Farmers' and Mechanics' bank, Jacob Vreeland's check accepted,	600 00
Total,		<u>\$3,988 00</u>

DETROIT CITY BANK,

Exhibited on examination, the following specie certificates, which had been received by John Truax, treasurer of the bank, as specie paid in on instalments of capital stock, to wit:

Nov. 15.	One specie certificate from Michigan state bank, signed Thos. O. Hill, in favor of Cullen Brown,	\$1,000 00
Dec. 18.	One specie certificate from Bank of Michigan, signed by A. H. Sibley, in favor of E. Brooks, for	4,000 00
Nov. 15.	One specie certificate from Thos. C. Sheldon, to the credit of A. T. Mc-	

Carried forward,

Brought forward,		\$
Reynolds, for \$1,000, and to the credit of the president and directors of Detroit city bank for \$1,000,		2,000 00
(This last certificate was endorsed as satisfactory by E. N. Bridges.)		
Dec. 22. One specie certificate from Thos. C. Sheldon, in favor of the president and directors of the Detroit city bank, for \$2,000, "being at my office in Kalamazoo," for		\$2,000 00
Feb. 5. One specie certificate from Thos. C. Sheldon, subject to the order of F. H. Harris, cashier of the Detroit city bank, for		11,673 86
		<hr/> \$20,673 86

FARMERS' BANK OF OAKLAND,

Exhibited on examination, May 10, 1838, the following specie certificates, to wit :

1837.	
Dec. 29. One from Farmers' and Mechanics' bank, Pontiac, signed G. W. Williams, cashier, for \$10,000, deposite by Sherman Stevens, payable to the order of the cashier of the Farmers' bank of Oakland.	\$10,000 00
1838.	
Jan. 30. One from the Michigan insurance company, Detroit, signed "H. H. Brown, secretary," deposited by Alfred Williams to the credit of the Farmers' bank of Oakland, for	15,000 00
	<hr/> \$25,000 00

BANK OF OAKLAND,

May 11. Exhibited on examination, a receipt for specie given by R. F. Stage, cashier of the Genesee county bank, for specie borrowed by him to the amount of	\$4,679 64
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This specie was sworn to as the property of the bank, and at a subsequent examination, ten days afterwards, had been returned.

OAKLAND COUNTY BANK—Chartered.

The following appears to have been the materials which were used in putting this bank into operation, to wit :

A specie certificate issued by the Bank of Pontiac for	\$10,000 00
\$5,000 of specie borrowed from the Clinton canal bank and paid in thrice to create a credit of	15,000 00

CLINTON CANAL BANK.

This bank was put into operation by means of specie, principally borrowed in Detroit.

FARMERS' BANK OF GENESEE.

This bank was put in operation by stock notes, and used the following specie certificates, in making statements,

One from Farmers' and Mechanics' bank of Detroit, signed by John A. Welles, for	\$15,000 00
One from Bank of Oakland, signed by Daniel Le Roy, for	10,000 00
One from Clinton canal bank, signed by William S. Stevens,	10,000 00
One from Farmers' and Mechanics' bank of Detroit, signed by John A. Welles, for	5,000 00

This bank had also in Detroit city bank, a certificate of deposit for	1,500 00
	<hr/>
	\$35,500 00

The specie certificates from John A. Welles, with ten thousand dollars in specie carried from Detroit, by Rufus Brown, jr., and Delos Davis, obtained of the Farmers' and Mechanics' bank, on the check of Rufus Brown, jr., made the basis of the report to the legislature in reply to the interrogatories addressed by them to the banks, and were returned again to the Farmers' and Mechanics' bank in the course of a few days, by the same hands.

EXCHANGE BANK OF SHIAWASSEE,

Was put in operation by the following specie certificates, to wit :

One from Farmers' bank of Genesee, for	\$12,000 00
One from do do do do for	12,000 00

One purporting to have been from the New Haven bank, for \$3,000, but having been sold, was returned as a forgery.

BANK OF KENSINGTON,

Appears to have been put in operation principally by the liberal use of stock notes, and specie checks.

BANK OF LAPEER,

Was put into operation by a specie certificate from the Farmers' and Mechanics' bank, Detroit, for \$15,000 00

WAYNE COUNTY BANK.*

One from H. H. Brown & Co., "to the credit of the Wayne county bank," for \$15,000 00

One from H. H. Brown & Co., "to the credit of the Wayne county bank," for 15,000 00

These certificates were "subject to the order of the cashier thereof," signed by H. H. Brown & Co., and were obtained by the president, J. D. Davis, through C. H. McClure, cashier of the Bank of Clinton.

SAGINAW CITY BANK,

Put in operation by a loan of specie from the Bank of Clinton, of \$10,000 00

Also a loan from the Farmers' and Mechanics' bank at Detroit, of 5,000 00

On the withdrawal of the specie, its place was supplied by stock notes of the directors for \$10,864 62-100. The bank also holds a certificate signed by Mackie, Oakley & Jamison, for specie deposited in New York, payable on demand, for the sum of \$15,000 00

On this certificate \$1,761 has been drawn for and paid.

FARMERS' AND MECHANICS' BANK OF PONTIAC,

Borrowed specie and exhibited it to the Commissioners as capital stock, to the amount of \$12,000 00

JACKSON COUNTY BANK,

Held a specie certificate from H. H. Brown & Co., for \$10,000 00

FARMERS' BANK OF SANDSTONE.

This bank had a credit on its books of a certificate of specie deposit, but it was withdrawn. The bank and amount are not known.

The bank was put in operation by a loan of specie from the Bank of Clinton.

* This bank was put into operation by checks for specie drawn on Michigan state bank by the stockholders, but never presented, acknowledged or paid.

BANK OF BREST.

This bank had a specie check, Farmers' and Mechanics' bank, Detroit, (accepted,) for \$1,146 00
 An individual specie check, for 2,000 00
 Specie to the amount of \$7,497, was received in gold from Lewis Godard, the day previous to examination, and subsequently withdrawn on a discounted note for \$7,500.

BANK OF SALINE.

This bank had a specie certificate from the Farmers' and Mechanics' bank at Detroit, dated Dec. 2d, 1837, in favor of Doctor D. O. Hoyt, signed by John A. Welles, cashier, and endorsed payable to the order of W. Curnett, cashier, for \$15,000 00
 This certificate was left a day or two after the bank went into operation, and the amount of specie taken out; cashier supposed it was taken, in part at least, to *Coldwater*.

BANK OF LENAWEES.

Immediately after the organization of this bank, on or about the 30th day of December, 1837, the sum of \$30,000 which was paid in on the capital stock of, was refunded and the promissory note of one of the stockholders, Edward Bissell, residing in the state of Ohio, at Toledo, with endorsers, was taken for the said amount of \$30,000.

BANK OF ALLEGAN.

This bank was put in operation by a specie certificate from H. H. Brown, to the amount of \$20,000, obtained by the president, A. L. Ely, from C. H. McClure, cashier of the Bank of Clinton.

BANK OF ST. JOSEPH.

This bank had a specie certificate from T. C. Sheldon, for \$19,000 00

BANK OF MARSHALL.

This bank had specie certificates as follows, to wit:
 One from T. C. Sheldon, for \$10,000 00
 One from Michigan state bank for 7,500 00

BANK OF COLDWATER,

Had specie certificate, the amount and by whom issued not known.

BANK OF CLINTON.

This bank had a receipt of C. H. M'Clure, dated July 31, 1838, for \$7,500 in gold. This gold was taken to Detroit by the said M'Clure and delivered to Lewis Godard, who gave his receipt for the same.

BANK OF GOODRICH.

Had a specie certificate for \$15,000, but it was not exhibited among its assets. The 30 per cent. was paid in, one half in specie, the other half in bills of the banks of Jacksonburg, Manchester, Washtenaw and Lapeer; as many of Lapeer as any other.

Bank Directors, &c.**BANK OF KENSINGTON.**

March 22, 1838.

Henry Fiske, President,

Frederick Hutchinson, Cashier.

Directors.

Henry Fiske,
A. A. Dwight,
A. M. Brown,
N. F. Butterfield,
F. Hutchinson,

B. P. Hutchinson,
E. F. Cooke,
C. L. Crouse,
S. D. Dix.

BANK OF OAKLAND.

March 9, 1838.

Daniel LeRoy, President,
G. O. Whittemore Cashier.

J. R. Bowman, Teller.

Directors.

Daniel LeRoy,
O. Chamberlin,
A. H. Peck,
L. W. Mann,
R. LeRoy,

G. O. Whittemore,
Francis Darrow,
A. Bagley,
C. C. Hascall.

G. W. Williams, }
S. Hodges, } *Removed.*

BANK OF GIBRALTAR.

January 1, 1838.

Joshua Howard, President,

Joseph C. Ringwalt, Cashier.

Directors.

Joshua Howard,

Henry B. Lathrop,

Enoch Jones,
Benjamin Porter,
Alanson Sheeley,
Theodore Romeyn,

Nathaniel T. Ludden,
Eldredge Morse,
Griffith H. Jones.

FARMERS' BANK OF OAKLAND.

March 19, 1888.

James B. Simonson, President, G. H. Broadhead, Cashier.

Directors.

Jona Chares,
David Chase,
S. C. Rose,
John F. Keyes,
E. Vandewenter,

David Hubbard,
John W. Hunter,
G. Broadhead,
James B. Simonson.

LENAWEE COUNTY BANK.

February 29, 1888.

W. Spalding, President,

Daniel P. Heman, Cashier.
F. E. Whiting, “

Directors.

L. C. Daniels,
R. Robinson,
J. Field,
J. G. Loomis,
Daniel Pitnam,

L. T. Thayer,
G. B. Harris,
G. E. Pomeroy,
V. Spalding.

BANK OF BREST.

H. S. Platt, President,

George H. Tracy, Cashier.

Directors.

H. S. Platt,
Lewis Godard,
W. W. Prentice,
Abel Godard,
M. L. Collins,

T. Whelpley,
John Pierson,
James B. Fairman,
George H. Tracy.

WAYNE COUNTY BANK.

March 8, 1888.

J. D. Davis, President,

Benj. F. Hall, Cashier.

Directors.

Cullen Brown,
C. L. Bristol,
C. Ten Eyck,
T. Lyon,
H. A. Noyes,

C. Harrington,
A. Y. Murray,
E. Woodruff,
J. D. Davis.

EXCHANGE BANK OF SHIAWASSEE.*February 23, 1838.***A. Morehouse, President,****G. W. Clark, Cashier.***Directors.***John Pearson,****A. Morehouse,****L. Brown,****Aaron Swain,****H. Baker,****J. Castle,****G. W. Clark,****H. Row.****FARMERS' & MECHANICS' BANK OF PONTIAC.***March 10, 1838.***Schuyler Hodges, President,****G. W. Williams, Cashier.****B. C. Whittemore, Teller.***Directors.***G. W. Williams,****William Phelps,****Schuyler Hodges,****M. LaMont Bagg,****James A. Weeks.****Horace C. Thurber,****JACKSON COUNTY BANK.***February 19, 1838.***Paul B. Ring, President,****Porter G. Hughes, Cashier.****Charles H. Van Doren, Teller.***Directors.***A. F. Fitch,****Allen Bennett,****William Ford,****Phineas Farrand,****Jira Payne,****Paul B. Ring,****Walter Burlington,****Porter G. Hughes.****Ira C. Backus,****FARMERS' BANK OF SANDSTONE.***March, 1838.***L. D. Smith, President,****H. N. Baldwin, Cashier.****A. Clark, Clerk.***Directors.***H. N. Baldwin,****S. F. Hooper,****Giles Bloomfield,****A. F. Fitch,****Gould Butler,****P. B. Ring,****L. D. Smith,****P. Farrand.****A. Clark,****BANK OF LAPEER.****Norman Davidson, President, (until Feb. 1, 1838.)****T. J. Benedict, President.****Alvin N. Hart, Cashier, (until 12th Feb. 1838.)****S. T. Cady, Cashier.**

Directors.

Norman Davidson,
Aaron Goodrich,
Alvin N. Hart.

Silas D. McKeen,
Benjamin F. Town,
Oliver B. Hart.

FARMERS' BANK OF SHARON.

Ruel Ambrose, President,

Allen Baldwin, Cashier.

Directors.

Ruel Ambrose,
Nathaniel Ambrose,
B. Miller,
David Fitzgerald,
Calvin Thompson,

Almond R. Fitzgerald,
S. R. Draper,
William A. Crocker,
Samuel Brown.

MERCHANTS' BANK OF CENTERVILLE.

Thomas W. Langley, President.

Directors.

Adams Wakeman,
Wm. S. Stevens,
Thos. W. Langley,
Daniel Hogan,
Amos C. Hubbard,

James Van Buren,
P. Riley Tull,
W. B. Brown,
Wm. F. Mosely.

BANK OF GOODRICH.

Enos Goodrich, President,

Aaron Goodrich, Cashier.

Directors.

Moses Goodrich,
Enos Goodrich,
John Vantine,
Charles Vantine,
Levi W. Goodrich.

SAGINAW CITY BANK.

Norman Little, President,

Nelson Smith, Cashier.

Directors.

Charles L. Richman,
Wm. L. P. Little,
T. L. Howe,

E. S. Williams,
Nelson Smith.

BANK OF SALINE.

S. Finch, President,

W. Curnutt, Cashier.

Directors.

S. Finch,
A. Godard,
J. S. Ware,
O. Howe,

Thomas Wood,
O Parsons,
D. D. Wallace.

FARMERS' BANK OF SHARON.

Ruel Ambrose, President, Allen Baldwin, Cashier.
Directors.

R. Ambrose, Amasa Gillet,
 A. H. Burdick, Isaac Godfrey,
 Fr. A. Gillett,

BANK OF ALLEGAN.

Alex. L. Ely, Henry H. Clarke, Cashier.
Stockholders.

Alex. L. Ely N. Abbott,
 Elisha D. Ely, J. L. Shearer,
 Jacob B. Baily, Joseph Fish,
 Harvey J. Clark, L. Winslow,
 David B. Stout, Benjamin Eager,
 L. Lyons, Wm. Finn.
 Henry H. Booth,

BANK OF UTICA.

Jacob Summers, President, John James, Cashier.
 G. C. Leech, "

Stockholders.

Payne K. Leech, jr., C. S. Madison,
 John James, A. Keeney,
 D. W. Philips, S. Ladd,
 Ephraim Calkins, A. B. Adams,
 A. G. Finden, Wm. A. Davis,
 G. Hanscom, O. Sheldon,
 E. Endres, O. Steevens,
 J. S. Fletcher, L. D. Owen,
 G. C. Leech, A. Bond,
 J. Lister, J. Summers.
 Sheldon Owen,

BANK OF MANCHESTER.*Stockholders.*

George Howe, President, Andrew G. Irwin, Cashier.
 Barnabas Case, Thos. J. Faxen,
 Marvin Howard, D. Willson,
 Oliver Kellogg, A. Hughes,
 Nicholas Bicker, George Howe,
 John A. Sloat, C. M. D. Bull,
 James H. Fellows, Emanuel Chase,
 Danl. A. Mills, W. D. Clark,
 John Wain, James Perrin,
 Lewis Dodge, C. C. Cotton,

Nathan Morse,
Josiah R. Stout,
R. L. Fellows,
John Weltz,
Anthony Poucher,
Thomas Morgan,
Wm. S. Carr,
John Miller,

Caleb Clark,
David G. Gilbert,
Albert Howe,
Lorenzo Higgins,
W. T. Alderman,
Alanson Case,
S. & J. H. Fargo,
M. D. Higgins.

CLINTON CANAL BANK.

March 9, 1838.

Wm. S. Stevens, President,
David Paddock, President,

A. Treadway, Cashier,
W. W. Davis, Cashier.

Stockholders.

Benj. P. Wixom,
Andrew C. Walker,
Warren Messenger,
P. J. Perrin,
J. M. Coonly,
Samuel Powers,
Hezekiah B. Smith,
N. J. Daniels,
E. F. Cook,
E. B. Comstock,

J. E. Beers,
D. H. Parker,
W. A. Nelson,
A. B. Newcomb,
S. C. Munson,
Charles Hubbell,
W. S. Stevens,
W. H. Adams,
Wm. Phelps.

Stockholders.

June 29, 1838.

A. B. Newcomb,
Samuel Power,
Tobias Love,
W. S. Stevens,
Alfred Judson,
H. B. Smith,
N. J. Daniels,
A. C. Walker,

David Paddock,
J. M. Coonley,
G. W. Wisner,
P. Van Every,
E. B. Comstock,
E. F. Cook,
Isaac Paddock.

FARMERS' BANK OF GENESEE.

December 30, 1837.

H. R. Jerome, President,

R. M. Morrison, Cashier.

Directors.

H. R. Jerome,
T. J. Drake,
R. M. Morrison,
Lyman Stow,
E. R. Ewing,

A. Miller,
Curtis Bellows,
W. Davis,
Simpson Buck.

January 4, 1838.

R. J. S. Page was appointed cashier.

Thos. J. Drake, Lyman Stow, R. M. Morrison transferred their stock, vacated their seats as directors, and

R. J. S. Page, Benj. Bowers, Levi Gilkey, were appointed directors in their stead.

AFFIDAVITS.

(No. 1.)

Oakland County Bank—Affidavit of Seth Beach.

STATE OF MICHIGAN, {
Oakland County. } ss.

Seth Beach, of said county, maketh oath and saith, that he was one of the original stockholders of the Oakland county bank, and was elected treasurer, and subsequently cashier of said bank; and the deponent further saith, that he was familiar with the proceedings of the stockholders of said bank at the time of the opening of the books of subscription to the capital stock of said institution; and that so far as his knowledge extends, an opportunity was afforded every person who was so disposed to subscribe to the capital stock of said bank; and the deponent further saith, that upon the final distribution of the said stock, each and every person received their proper proportion.

The deponent further said, that on the 27th day of March last past, while acting as cashier, fifteen thousand dollars in specie, was actually paid in, pursuant to the said charter; and that there being no banking-house belonging to the Oakland county bank, the money was directed to be placed in the hands of William S. Stevens, for safe keeping, who gave a receipt therefor to said bank, and held the same subject to the order of the proper officers of said bank; and the deponent further saith, that the said books of subscription were opened by him, and continued open for and during the period prescribed by the charter.

S. BEACH.

Sworn and subscribed before me, this 24th day of August, eighteen hundred and thirty-eight.

CLARK BEARDSLEY,
Justice of the Peace.

(No. 2.)

Affidavit of W. S. Stevens.

STATE OF MICHIGAN, } ss.
County of Wayne. }

William S. Stevens, being duly sworn, on oath says, that on the twenty-seventh day of February, A. D. 1838, he purchased of O. D. Richardson, William Draper and Seth Beach, of Pontiac, all, or nearly all, of the shares of stock in the Oakland county bank, for which he paid a bonus of ten thousand dollars. In this purchase the stock was taken by him, as if nothing had been paid upon the same. The bank had not then been put into operation. William Draper was the president, and Seth Beach, cashier of the institution.

On the twenty-seventh day of March, A. D. 1838, deponent borrowed all the specie which was at that time in the Clinton canal bank, and directed his hired man to take it down to a room prepared for the Oakland county bank. Deponent does not recollect the amount, but thinks it was five or six thousand dollars. This specie was taken to the bank, was counted by Mr. Beach, as cashier, and credited on the books as paid in on the stock of the bank. After being thus counted, the same was taken immediately back to the Clinton canal bank, and again sent to the Oakland county bank, to be again counted and credited as before. This was repeated until the whole amount so counted and credited made the sum of fifteen thousand dollars. After this was done, deponent, at the request of said Beach, gave a receipt for the amount (\$15,000,) to the Oakland county bank. This deponent does not know that any other specie was ever paid in to said bank; the amount above mentioned was never returned to it. This payment was made to secure the charter merely, and was not intended to remain in the bank as a bona fide payment of stock. At this time, deponent had no interest in the Clinton canal bank, but borrowed the specie as above stated, of the president and cashier of said bank, for the express purpose above mentioned.

Deponent further says, that some time in the early part of April last, he sold and transferred five hundred shares of stock which he had in said Oakland county bank, to Mason Converse, and one thousand shares to M. B. Sherwood. Said Converse was to pay deponent three thousand dollars for the same. For this, he gave a draft on the bank of Brest, endorsed by Lewis Godard, which, however, was dishonored. By these sales the stock was to be taken as it then existed, nothing having been paid on the same, and said Sherwood and Converse were to pay in upon the same their proportion of twenty thousand dollars, (being in all \$15,000,) in specie. Said Converse proposed after-

wards to put in for his share instead of specie, five thousand dollars of bills of the Bank of Coldwater, but this deponent refused to receive the same. Nothing was paid by said Converse, but he soon afterwards assigned his stock to Messrs. Brooks and McReynolds. The proportion which was to have been paid in by said Sherwood, to wit: \$10,000, was paid by a certificate of specie deposite, issued by the Bank of Pontiac. This certificate was credited to said Sherwood, on the books of the bank, but in fact, never went into the bank, and was taken away by said Sherwood, or some of his friends, to Buffalo.

While said Converse and Sherwood held a majority of said stock, as above mentioned, Geo. N. Keeny, of Buffalo, was elected president, and William Kortz, also of Buffalo, was chosen cashier. The bills of the bank were obtained from the engraver about this time, and notes to the amount of eight thousand four hundred dollars were signed by said Kortz and Keeney, and were taken to Buffalo by them. A receipt was left for them, in bank. Deponent was afterwards informed, that of this amount, five thousand four hundred dollars were afterwards obtained from them, and returned to the bank. During the time when said Converse and Sherwood owned a majority of the bank, there was no specie or other available assets belonging to the institution.

Some time in June last, deponent sold the remaining portion of the stock owned by him in said bank, to Edward Brooks and Andrew T. McReynolds, of Detroit. They were to pay him for the same, the amount paid by this deponent therefor, but have as yet paid nothing. They were also to take the same as it then was, knowing that nothing had in fact ever been paid in on the same. The safe was broken open by deponent, to show said Brooks and McReynolds, the actual situation of the bank, and deponent expressly told them, that not a cent had been paid in on the stock, and that said bank had never issued a dollar, excepting the amount above mentioned, which was taken away by said Sherwood. This amount in the hands of said Sherwood, was taken without the knowledge or consent of this deponent.

On the day of said last mentioned sale and transfer of stock, deponent resigned as director in said bank, and knows nothing of its transactions since that time.

Deponent further says, that after he had purchased the stock above mentioned, he was informed that the requisitions of the charter of said bank had not been complied with in the original subscription to the stock thereof, inasmuch as the requisite notice of the time and place of opening the books of subscription had not been given. Deponent gave notice of the fact to those to whom he sold said stock, and told them that the same might defeat all interest under the charter, and also gave them copies of a

correspondence between the cashier, (Seth Beach,) and M. J. Bacon, Esq., then the Bank Commissioner.

W. S. STEVENS.

Subscribed and sworn to, this eleventh day of February, A. D. 1839.

A. FELCH:
Bank Commissioner.

(No. 3.)

Affidavit of Orrin Parsons, a Director of the Bank of Saline.

STATE OF MICHIGAN, }
County of Washtenaw, } ss.

Orrin Parsons, of said county, being duly sworn, on oath says, that he is a director of the Bank of Saline, and has been in that capacity for about seven months; that he attended a meeting of the board of directors at the banking-house in Saline, on the sixteenth day of August, instant, according to deponent's best recollection. Deponent was sent for to attend said meeting. The following directors attended said meeting, namely: Abel Godard, Silas Finch, Daniel D. Wallace, Orrin Howe, and this deponent. Said Godard informed the board, at the meeting, that an injunction had been made out against the Bank of Brest, and that he feared there would be an injunction against the Bank of Saline. Deponent does not recollect that he said an injunction was served, but supposed there was one out against the Brest bank, and supposed there would be one against the Bank of Saline. He said, moreover, that the Bank of Brest had made an assignment of all its effects previous to the service of the writ of injunction upon it, and he advised the board of directors of the Bank of Saline to do the same; but said that the board, must, nevertheless, do as they thought best in regard to it. Said Godard further stated, that he thought the bank would have to wind up its concerns, and that it was best to do so by making an assignment of all its property and effects for the benefit of its creditors; that it was better to have it go into the hands of an assignee than of a receiver. After consultation, the board passed a resolution to assign, for the benefit of creditors, all the property and effects of the bank to Alexander D. Fraser, Esq., of the city of Detroit.

The assignment was written previously, and lay on the table when deponent went into the room where the meeting was held. Deponent does not know when or by whom it was prepared. The name of Mr. Fraser, as assignee, was suggested by Mr. Godard, who stated that he was the assignee of the Bank of Brest; and it would be less expensive to have him, as he could attend to

both; but said, if the directors preferred, they could make an appointment in the immediate neighborhood of the bank. The assignment was executed before the meeting adjourned.

On the next day, deponent went into Detroit with the president and cashier, and one of the directors. The assignment was given to Mr. Fraser by the president, Silas Finch, Esq. The books and property and papers were also sent to his office. Very little conversation took place with Mr. Fraser on the subject.

The assignment was made for fear of an injunction, and to avoid being closed up by a receiver appointed by the Chancellor of the state. It was thought better to close up voluntarily, by assignment, than to have it done by law. Deponent believed that they had an undoubted right thus to close up the concerns of the bank and to pay its debts.

Some time in the early part of August instant, post notes were issued by the Bank of Saline to the amount of fifteen or twenty thousand dollars, for the purpose of obtaining a loan, payable in one year, with interest. They were endorsed by Lewis Godard and this deponent, and a part of them by Daniel D. Wallace. The post notes were taken by Lewis Godard, to be transmitted to Lyman A. Spalding, of Lockport, for the purpose of effecting a loan.

Deponent did not know that any bills of the Bank of Saline were in the hands of Lyman A. Spalding, until he was told so some time after the transaction is said to have taken place.

On the day of the assignment, a vote passed the board of directors to redeem bills in the hands of an individual to the amount of six hundred dollars, in specie, which was accordingly done. Eight hundred dollars in specie was in like manner paid to one of the depositors.

ERRIN PARSONS.

Subscribed and sworn to, before me, this thirty-first day of August, A. D. 1838.

A. FELCH, *Bank Com.*

(No. 4.)

Affidavit of S. Finch, President Bank of Saline.

STATE OF MICHIGAN, }
County of Washtenaw, } ss.

Silas Finch, of said county, being duly sworn, on oath says, that he is and has been for about seven months last past, president of the Bank of Saline; and he is and has been during the same time a director of the same. That he was present at the last examination of the affairs and condition of said bank, made by A. Felch, one of the Bank Commissioners of said state of Mi-

chigan; that no material change, to the knowledge of this deponent, took place in the affairs or condition of said institution after said last mentioned examination, until the 16th day of August inst. On said 16th day of August a meeting of the board of directors of said bank, was called and held at the instance of Abel Godard, one of the directors; said Godard came to Saline on that day, and at said meeting of the directors informed the board that an injunction was made out against the Bank of Brest, and that he feared there would be an injunction against the Bank of Saline. He said, moreover, that the Bank of Brest had made an assignment of all its effects previous to the service of the writ of injunction upon it, and he advised the board of directors of the Bank of Saline to do the same, but said that the board must nevertheless do as they thought best in regard to it. Said Godard further stated that he thought the bank would have to wind up its concerns, and that it was best to do so by making an assignment of all its property and effects for the benefit of its creditors; that it was better to have it go into the hands of an assignee than of a receiver. After consultation the board passed a vote authorizing the president and cashier to make a general assignment for the benefit of creditors, of all the property and effects of the bank to Alexander D. Fraser, Esq. of Detroit. The assignment was written previously and produced about the time of the opening of the meeting, but deponent cannot tell by whom.

The assignment was executed agreeably to the resolution of the board, before the meeting adjourned. Mr. Godard suggested the name of Mr. Fraser as assignee, and stated that he was assignee of the Bank of Brest, and could attend to both without much extra trouble, but said if the board preferred it, they could use any other name.

On the next day this deponent, in company with Orrin Parsons and Daniel D. Wallace, two of the directors, and A. Mandell, cashier, went into Detroit, and took with them the assignment aforesaid, and also the property, effects, books and papers of the bank; and all were delivered over to said A. D. Fraser as assignee. Deponent saw Mr. Fraser, but had no conversation with him on the subject of the bank or the assignment. Deponent handed the assignment to said Fraser, and the papers, property, books, and effects were sent to his office. He has had no conversation since that time with Mr. Fraser, on the subject.

The inducement to make the assignment was the statements made at the meeting of the board above mentioned, and the expectation that an injunction would be issued against the bank. There was not, to the knowledge of this deponent, any other inducement to make the assignment. The board were led to believe that that was the best way to close up the bank. This opinion was adopted on mature deliberation.

About sixty dollars in specie belonging to the bank was delivered to said Fraser as assignee.

On or about the fourth day of August instant, said Bank of Saline issued post notes of five thousand dollars each, to the amount of twenty thousand dollars, for the purpose of negotiating a loan to that amount. These notes were payable at the Phoenix bank in the city of New York, in one year from date, with interest, and were endorsed by individuals in Michigan, and were sent to Lyman A. Spalding of Lockport, in the state of New York, but they have been sent for, and it is expected they will soon be returned. Nothing was ever received by the bank for them. They were not endorsed by a Bank Commissioner. They were received by Lewis Godard at the Bank of Saline for the purpose above stated.

Some four months since, the bank sent to Lyman A. Spalding, bills of the bank of Saline amounting to fifteen or twenty thousand dollars, which were in sealed packages, and were to remain sealed, as collateral security for certain drafts which were to be made by the bank on said Spalding, for the purpose of redeeming bills of the bank. Drafts to the amount of about ten thousand dollars were made by said bank in accordance with such arrangement, but deponent does not know whether any thing has been paid on them by him or not. Deponent does not know whether the bills last above mentioned were entered on the proper books exhibiting the amount of issues of said bank or not, nor does he know whether the same were exhibited in any manner as issued, on examination of the affairs of the bank by a Bank Commissioner.

Deponent believes that there is no charge or other evidence of debt against Lyman A. Spalding on the books or among the papers of said bank.

At the time of said assignment, there was in the hands of Lewis Godard for exchange purposes, seventeen thousand dollars in bills of the said Bank of Saline. Deponent believes that the amount is now secured by endorsed notes. Deponent does not recollect whether this amount was entered among the circulation of the bank or not, nor does he remember whether any charge was made to said Godard of the same on book. This advance was made to Mr. Godard by votes of the directors in December last, according to deponent's best recollection.

On the day of the assignment aforesaid, by vote of the directors, said Lewis Godard was permitted to take from the bank five thousand dollars in bills of the River Raisin and Lake Erie railroad company, and to substitute for the same his own paper with good endorsers, for the amount, payable in four months with interest,

S. FINCH.

Subscribed and sworn to, before me, this 31st Aug. A. D. 1838.

A. FELCH, *Bank Commissioner*.

(No. 5.)

Lapeer Bank—Affidavit of Cashier.

BANK OF LAPEER, {
March 13, 1838. }

The capital stock of this bank is fifty thousand dollars. The books of subscription were opened on the 19th day of October, A. D. 1837. At that time the whole amount was subscribed, and on distribution of the stock, the ten per cent on the several shares was paid in specie. Some of the subscribers did not pay in their full amount, but others overpaid, so that the ten per cent on the whole stock was paid in. This was paid in as the property of the bank, but a part was withdrawn by the subscribers and paid back to them. The bank went into operation on the 6th or 8th of December last, previous to which time the full amount of thirty per cent on the capital stock was paid in; a part of the amount was in gold and silver, but the greater part of it was in specie certificates, issued by the Farmers' and Mechanics' bank, at Detroit. There was but one specie certificate, and the amount was applied on different subscriptions of stock. The certificate was obtained and brought forward by Aaron Goodrich. This certificate was in the bank several weeks, and was finally withdrawn and taken away by said Goodrich. The amount of the certificate was fifteen thousand dollars. There was at the time the bank went into operation, I think, less than one thousand dollars. The certificate was taken away by Goodrich on or about the 12th or 31st day of January. No entry of the certificate on the books of the bank now exhibited, was made; but on a small book the amount of checks drawn by said Goodrich was made and entered, but I cannot say that any entry of the certificate was then made by me. That book was handed over to the present cashier, D. S. Cady, and I have not seen it since Mr. Cady left Lapeer. I think no entry was made on the books, and no paper or draft received from said Goodrich when he received the certificate of deposite. Said Goodrich also, at different times, received on his own individual check the bills of the bank, to the amount of forty thousand dollars, or thereabouts, for which nothing had been received by the bank when I resigned as cashier. He had, however, a small bill for services, &c. against the bank, amounting to a sum less than a thousand dollars, as I should think. Said Goodrich was a director, and took the bills for the purpose of exchange. While cashier, I bought some gold and silver, which went into the bank—the amount was small, cannot say how much.

I was cashier from the commencement of operations until the 12th day of February last, and Mr. D. S. Cady was appointed cashier. Mr. Norman Davison was appointed president when it

went into operation, and sold his stock and resigned on the first day of February last. Mr. J. T. Benedict is now president.

The issues of the bank while I was cashier, amounted to sixty-four or sixty-five thousand dollars, including bills in the hands of Aaron Goodrich and H. H. Brown & Co. of Detroit, for exchange. The amount of discounted paper was twenty or twenty-one thousand dollars. None of the issues were destroyed.

After the thirty per cent. was paid in, there was an understanding that the stockholders might draw out on their own checks to the amount of their capital paid in, in the bills of the bank. Many of them did so; and I was afterwards directed by the directors to obtain for the advance to them their notes with endorsers. I obtained notes covering the amount of such advances, with security. These notes are a part of the discounted paper above mentioned.

I left with H. H. Brown & Co. twenty-five hundred dollars for which I was to draw upon him, payable in country funds. While checking I drew for three hundred and seventy-five dollars, which was paid. I do not know of their paying any thing more towards it. I have drawn several drafts since, none of which, so far as I have been advised, are yet paid. At the time I left the bank as cashier, there were remaining in the bank, in sheets, bills of the bank signed by Mr. Davison as president, and myself as cashier, to the amount of about ten thousand dollars, or thereabout, according to my best recollection. Most of them were not filled other than by signing.

There were in the bank, returned from circulation, when I left the institution, about eight or nine hundred dollars in bills of the bank. At the time I left the institution, the resources of the bank were as follows, as near as I can now ascertain, viz:

Bills discounted,	\$20,893 00
Specie,	1,201 77
Cash in the hands of H. H. Brown & Co.,	2,125 00
Aaron Goodrich on checks, say	40,000 00
	<hr/>
	\$64,219 77

The liabilities of the bank were as follows, as near as I can now ascertain, viz:

Capital stock paid in,	\$15,000 00
Circulation, say	65,000 00
Expense account, say	1,000 00
	<hr/>
	\$81,000 00

The papers, books, notes, &c. belonging to the bank, were all transferred by me to the present cashier.

A. V. HART.

Subscribed and sworn to before me, this 18th day of March, A. D. 1888.

A. FELCH, *Bank Com.*

(No. 6.)

Affidavit of Teller, and List of Subscribers and Stockholders.

STATE OF MICHIGAN, }
Lapeer County. }

Personally appeared before the undersigned, a Bank Commissioner of said state, Hiram B. Lyman, who being duly sworn, on oath says, that he is teller in the Bank of Lapeer, to which station he was appointed on the eighth day of the present month, at which time he entered on the duties of his office—J. T. Benedict was the president, and Dennis S. Cady, cashier. On the day of my appointment as teller, the president and cashier both left Lapeer, intending to go, as I understood from their conversation, to Jackson county, for the purpose of obtaining funds with which to redeem the bills of this bank, expecting, as they said, to return to Lapeer on the 13th or 14th instant. The bank was left in my charge.

I do not find the original book of subscription to the stock of the bank. The annexed is a true list of the stockholders, and amount held, as well as transfers, as exhibited by the stock ledger. There is no other book of stock account in the bank, and no list posted up. The cashier and president, and also myself, are directors; the others I do not know, and there is no book in the bank exhibiting it. There is no book showing any statement of the affairs and condition of the bank.

It seems from the books, that on the twentieth day of December last, notes of the Bank of Lapeer issued to the amount of twenty-two thousand dollars. No other issues appear by the books to have been made. The books show the capital stock to have been paid in to the amount of fifteen thousand dollars, in specie. This amount appears to have been on hand on the second of January, and by the daily entry, to have remained in bank until January eighteenth. On the evening of that day, it is stated in the books, as

		\$14,560 50
On the evening of the 17th January,		12,177 59
18th	do	10,093 59
19th	do	7,802 59
22d	do	7,802 59
24th	do	6,363 59
29th	do	5,017 09
30th	do	3,405 09
31st	do	1,250 09

On the evening of the 1st February,	1,900 00
10th do	1,200 00

After which no entry of specie on hand is made. The specie now on hand, and which was here when I came into the bank, amounts to twelve hundred and one dollars and seventy-seven cents. The following is a list with the amount of bills discounted, as appears by the books, to wit:

No. 1. Dec. 12, 1837, B. B. Hutchinson, A. A. Dwight and A. Hubbard, 90 days, due 12-15 March, amount, \$500 00; interest, \$6 81; proceeds, \$493 19.

No. 2. Dec. 28, 1837, B. F. Towne, A. N. Hart, and F. Pettis, 90 days, 28-31 March, amount, \$1,000; interest, \$16 68; proceeds, \$993 32.

No. 3. Jan. 3, 1838, O. B. Hart, Dr. Stebbins and Caleb Carpenter, 90 days, 3-6 April, amount, \$3,003; interest, \$53 56; proceeds, \$2,949 44.

No. 4. Jan. 11, 1838, A. N. Hart secured by mortgage, 90 days, 11-14 April, amount, \$3,195; interest, \$56 99; proceeds, \$3,138 12.

No. 5. Jan. 11, 1838, Noah H. Hart, N. Patridge and S. Wheeler, 90 days, 11-14 April, amount, \$3,500; interest, \$62 82; proceeds, \$3,437 38.

No. 6. Jan. 11, 1838, S. D. McKeen, G. T. Ball, 90 days, 11-14 April, amount, \$2,750; interest, \$49 05; proceeds, \$2,700 25.

No. 7. R. Brownson, H. B. Lynn and N. H. Hart, 90 days, 11-14 April, amount, \$3,195; interest, \$56 98; proceeds, \$3,138 01.

No. 8. Jan. 11, 1838, George T. Ball, S. D. McKeen, 90 days, 11-14 April, amount, \$3,750; interest, \$66 88; proceeds, \$3,683 12.

The above are the discounts that appear by the books. All the discounted paper above specified, is in the bank, except the two first above mentioned. I do not know where those notes are; have never seen them.

There is no entry upon the books of any thing in the hands of H. H. Brown & Co. nor to Aaron Goodrich, except the bank stock shares, in the annexed list. I have exhibited to the Commissioners this day, all the books, papers and effects which were in the bank when I came in, and all which are in my charge as teller.

I did not know when the president and cashier left, that any bills of the bank had been issued, with their signatures. No such issues appear by the books of the bank. I have, however, seen and have redeemed a ten dollar bill, of this bank, under their signatures.

At the time the cashier left he gave me thirty dollars, in the

bills of the Farmers' bank of Sandstone, for exchange. I have redeemed fifteen dollars of the bills of this bank—the remaining fifteen, I have now in the bank.

I have no means of knowing the amount actually in circulation, except as above stated. There are no notes of the bank redeemed, and now on hand, excepting the fifteen dollars above mentioned. The new note, signed by the president and cashier, and redeemed by me, is dated the thirteenth day of February, A. D. 1838.

The entries of cash (specie) above mentioned, are in a book lettered "Blotter No. 2, bank of Lapeer," and headed at the commencement, "Cash book." I have seen no other cash book belonging to the bank, nor any other book in which either the president or former cashier entered items of that kind.

I had not known when the present president and cashier were appointed to office; nor whether they have taken an oath, or given bonds of office. Nothing appears in reference to it, by any books in the bank. No entry is made relative to a specie deposit with any bank or banking association, nor of any certificate of specie deposit, in any of the books of the bank. I have seen a bond in the hands of the cashier, but do not know whether it was a bond of office or for the redemption of the notes of the bank.

There appears by the books to be transferred to me, by Aaron Goodrich, on the 17th February last, thirty-eight shares of the capital stock of said bank. I never had any conversation with said Goodrich, relative to the same, or the purchase thereof, nor did I ever authorize any person to contract for the same for me. The present cashier first informed me that they stood in my name, and wished me to become one of the directors of the bank. Nothing has been paid or secured for them by me, and no request of payment, nor has any thing been said about my responsibility for the same, by any one to me.

H. B. LYNN.

Subscribed and sworn to, before me, this 13th day of March, A. D. 1838.

A. FELCH,
Bank Commissioner.

1837.

Dec. 27.	H. H. Harris, (purchased) from			
	C. Van Tyne,	75 shares	\$3,750	00

1838.

Jan. 25.	H. H. Harris,	do		
	L. W. Goodrich,	75	do	\$,750 00
	H. H. Harris,	do		
	L. H. Goodrich,	75	do	3,750 00

Feb. 12.	J. T. Benedict, (purchased) from			
	E. Goodrich,	75	do	3,750 00
	J. T. Benedict, do	do		
	J. B. Morse,	5	do	250 00
	D. S. Cady, do	do		
	A. Goodrich,	150	do	7,500 00
14.	D. S. Cady, do	do		
	A. Goodrich,	76	do	2,800 00
17.	H. B. Lynn, do	do		
	A. Goodrich,	88	do	1,900 00
18.	Sam'l J. Searls, do	do		
	Geo. F. Ball,	5	do	250 00
19.	Sam'l J. Searls, do	do		
	R. Brownson,	3	do	150 00
	Sam'l J. Searls, do	do		
	N. H. Hart,	8	do	400 00
21.	Sam'l J. Searls, do	do		
	H. Hinman,	12	do	600 00
22.	Russell R. Beach, do	do		
	Enos Goodrich,	75	do	3,750 00

List of stockholders, and Amount of Stock,

Date.		No of Shares.	
1837,			
Dec. 4.	Richard Brownson,	3	\$150 00
	Geo. F. Ball,	5	250 00
	Norman Davidson,	38	1,900 00
	Aaron Goodrich,	76	3,800 00
1838,			
Jan'y 4.	Aaron Goodrich, (purchased) of M. Goodrich,	75	3,750 00
	9. Aaron Goodrich, (purchased) of A. N. Hart,	75	3,750 00
Feb. 1.	Aaron Goodrich, (purchased) of N. Davidson,	38	1,900 00
1837,			
Dec. 4.	Enos Goodrich,	75	3,750 00
	Eunice Goodrich,	75	3,750 00
	Levi H. Goodrich,	75	3,750 00
	Levi W. Goodrich,	75	3,750 00
	Moses Goodrich,	75	3,750 00
	Reuben Goodrich,	75	3,750 00
	Alvin N. Hart,	75	3,750 00
	Noah H. Hart,	8	400 00
	Oliver B. Hart,	75	3,750 00
	Horace Hinman,	12	600 00
	Silas D. McKeen,	5	250 00

Date.		No. of Shares.	
1837.			
Dec. 4.	Joseph B. Morse,	5	250 00
	Theron Pixley,	75	3,750 00
	John Tetesworth,	75	3,750 00
	Benjamin F. Towne,	23	1,150 00
	Charles Vantine,	75	3,750 00
13.	George Mayo,	23	1,150 00

List of Transfers of Stock.

1838. Transferred.			
Feb. 19,	"	To S. J. Searls,	3 \$150 00
18.	"	do	5 250 00
1.	"	A. Goodrich,	38 1,900 00
12.	"	D. S. Cady	150 7,500 00
14.	"	D. S. Cady,	76 3,800 00
17.	"	H. P. Lynn,	38 1,900 00
12.	"	J. T. Benedict,	75 3,750 00
22.	"	R. R. Beach,	75 3,750 00
Jan. 25.	"	H. H. Harris,	75 3,750 00
	"	do do	75 3,750 00
4.	"	A. Goodrich,	75 3,750 00
9.	"	do do	75 3,750 00
Feb 19.	"	S. J. Sea r	8 400 00
21.	"	do do	12 600 00
12.	"	J. T. Benedict,	5 250 00
1837.			
Dec. 13.	"	George Mayo,	23 1,150 00
27.	"	H. H. Harris,	75 3,750 00

(No. 7.)

Affidavit of B. F. Towne.

STATE OF MICHIGAN, }
 Wayne County. } ss.

Personally appeared before the undersigned, a Bank Commissioner of said state, Benjamin F. Towne, of said county of Wayne, who being duly sworn, on oath says, that he was one of the original subscribers to the capital stock of the Bank of Lapeer, and that the books of subscription to the same were opened some time in the month of October last. In the apportionment of the said stock, twenty-three shares were assigned to this deponent, on which he paid in ten per cent in specie. Alvin N. Hart of Lapeer was treasurer. Deponent does not know whether the amount of ten per cent was paid in by other subscribers or not,

though he saw specie paid by some of them, and heard said Hart say that the whole amount was so paid in.

Deponent was present soon after the election of the first directors of said bank, and was informed that he was chosen a director and attended one meeting of the board of directors; at that meeting a vote was passed authorizing deponent to sell and transfer his stock.

Deponent further says, that the ten per cent above mentioned, paid in on his capital stock, was never withdrawn by him. At or about the time the bank went into operation, deponent let said Hart, who was then cashier of said bank, have a certificate of the treasurer of the United States for one hundred dollars, towards a further instalment of twenty-five per cent on his stock, which was received by him instead of specie. Said Hart observed that he had that amount left with him in specie to be paid for land, and he would pay the specie to the institution and use the certificate for the purchase of the land. For the balance of the twenty per cent on his stock, deponent gave his due bill payable to said Hart on demand, in specie. The due bill has not been taken up. Deponent afterwards advanced to the bank, specie to the amount of five hundred dollars, or thereabout, which was received at Detroit by Aaron Goodrich, and deponent was afterwards informed by said Hart or said Goodrich, or by both, that the same was paid by said Goodrich to said Hart. This specie was never withdrawn by deponent.

Not long after the bank went into operation, deponent overheard a conversation between said Hart, cashier thereof, and Aaron Goodrich, one of the directors, relative to a certificate of specie deposit. Deponent did not understand that it belonged to the Bank of Lapeer; did not see the certificate nor learn the amount, but did understand that it was issued by the Farmers' and Mechanics' bank at Detroit. Deponent never applied to said last mentioned bank for such certificate, and never negotiated for, nor did he obtain the same. He knew nothing of the certificate until he heard of it at Lapeer in the aforesaid conversation. Deponent understood that said certificate was to be used by the Bank of Lapeer, but for what purpose he did not understand, and does not know. The whole conversation above mentioned was not distinctly heard by deponent, and he is unable to state further on the subject; he had nothing to do with the said certificate.

Deponent obtained from the Bank of Lapeer some time after it went into operation, on discounted notes or checks, the sum of five thousand one hundred and forty or fifty dollars, about forty dollars of which was paid to the Treasurer of Michigan at the request of said Hart. The whole amount was in the notes of said bank. Deponent gave his individual notes without endor-

sers, or checks for said sum. He afterwards deposited in said bank three thousand dollars in the safety fund money of this state. This was in February last, or the first of the present month. Deponent took a certificate of deposite for the same, signed by D. S. Cady, cashier. The last mentioned sum has not been withdrawn from said bank. The amount obtained of the bank as above mentioned, was received at the counter of the bank, of the cashier thereof. Deponent has never to his knowledge, received any money belonging to the Bank of Lapeer of Aaron Goodrich. He at several times received Lapeer bills of said Goodrich and gave him other money for the same at the time. He also received some of the same bills to exchange, and afterwards paid him the amount exchanged in other money.

Deponent further says, that some time since he sold all his stock in said Bank of Lapeer to George Mayo of the city of Detroit, and gave him a transfer or assignment of the same, and has now no interest in the same. Said Mayo was to take up deponent's security, and to substitute his own for the redemption of the paper of the bank, but he has not yet done it.

On or about the eighteenth day of the present month, said Aaron Goodrich came to deponent and requested him to let him have some money; said he was going to Lapeer. Deponent gave him several hundred dollars; does not recollect the amount. Deponent understood that said Goodrich wanted the money to redeem the bills of the Bank of Lapeer. Said Goodrich did not say directly that he intended to redeem bills of said bank with the money, but deponent inferred that from his conversation at the time.

B. F. TOWNE.

Subscribed and sworn to before me, this 27th day of March,
A. D. 1838.

A. FELCH,
Bank Commissioner.

(No. 8.)

Exchange Bank at Shiawassee—Hosea Baker's Affidavit.

STATE OF MICHIGAN, }
County of Shiawassee, } ss.

Hosea Baker being duly sworn, on oath says, that he was one of the original subscribers to the capital stock of the Exchange bank of Shiawassee; that said bank went into operation under the amendment to the general banking law, (so called,) on or about the second day of February last; that no part of the capital stock of said institution was paid in, as this deponent verily

believes, and no specie belonging to the bank was seen by him ; that David Root, A. Morehouse, G. W. Clark, Dr. Gay, John Pierson, Simpson Buck and Lemuel Crawford, neither of whom is a resident of said county, came to Shiawassee, as they said, for the purpose of establishing a bank. They said they had brought the means necessary to establish the same, and solicited this deponent and other inhabitants of said county, to subscribe, and said they would furnish all that was necessary for the purpose until they could conveniently obtain it. This deponent gave them a note of hand payable to the Exchange bank, in specie, in thirty days from date, for the thirty per cent instalment on his shares, which note was afterwards, and since the individuals above mentioned left Shiawassee, given up to this deponent by Mr. Lemuel Brown. This deponent gave security, agreeably to law, to the amount of two thousand dollars, by mortgage on real estate. Deponent at the time, supposed that the first thirty per cent was actually paid in by the above mentioned individuals, in specie, but has since examined the safe and premises used by the bank, and now believes that no part of the capital stock thereof was ever actually so paid in.

Deponent further says, that he was chosen director of said institution at the first meeting of the stockholders. No oath was administered to this deponent as director, nor have any official bonds been given or any oath been administered, to the knowledge of the deponent, to any officer, agent or servant of the bank.

This deponent met only once with the directors, and believes that no other regular meeting was held. The affairs of the bank were managed almost exclusively by A. Morehouse, president, and G. W. Clark, cashier, together with the other individuals above mentioned. This deponent knew very little of the transaction, and believes that the same is true as to the other directors and stockholders who reside in this county.

Deponent further says, that the individuals above named have all left the county of Shiawassee. That he was present when the affairs, property and books of the bank were exhibited to A. Felch, one of the Bank Commissioners of said state of Michigan, on the nineteenth instant ; that all the books, property, papers, and effects of said institution were then exhibited, so far as this deponent knows, and as he verily believes.

Deponent further says, that he was informed by said Clark, that he, Clark, intended to become a resident of said county of Shiawassee, and that he so considered himself. Said Morehouse, also, was to remain here as a resident while he was continued president of the bank.

HOSEA BAKER.

Subscribed and sworn to, this 21st day of March, A. D. eighteen hundred and thirty-eight.

A. FELCH,
Bank Commissioner State of Michigan.

(No. 9.)

L. Brown's Affidavit.

STATE OF MICHIGAN, }
County of Shiawassee, } ss.

Lemuel Brown, being duly sworn, on oath says, that he was one of the original subscribers to the capital stock of the Exchange bank at Shiawassee; that said bank went into operation on or about the third day of February last; that he paid nothing at that time or before towards his stock; and that no specie was paid in or possessed by the bank, to his knowledge; that he was, however, informed by John Pierson, the treasurer, that they had the amount of specie required by law, for the benefit of the institution, and would not require any from the stockholders in this county at that time. No specie was paid in by any stockholder, to this deponent's knowledge, but notes payable to the bank in specie were given by five individual stockholders, residing in this county, for the thirty per cent on the stock, which notes, after the president and cashier left the county of Shiawassee, came into the hands of this deponent, and were given up to the respective signers thereof. They were signed by the following persons, viz: Hosea Baker, Aaron Swan, John B. Clark, John Smedley and M. Foster, all payable in thirty days from date, and were given at the time the institution was organized. No such note was required of or given by deponent.

The principal actors in getting up and carrying on the institution, were D. Root, John Pierson, Simpson Buck, George W. Clark, A. Morehouse, Lemuel Crawford and Stephen B. Gay, all of whom reside out of the county of Shiawassee.

Deponent was chosen a director, but never took the oath of office, and has no knowledge that any of the directors or other officers of the bank ever took an official oath, or gave bonds.

Deponent met once with the directors, and believes that was the only meeting regularly held by the board. At that meeting, A. Morehouse was chosen president and George W. Clark cashier. The business was principally conducted by them, and this deponent knows very little of the transactions of the institution.

At the first (and only) meeting of the directors above mentioned, notes of the bank were produced, and as soon as the president and cashier were chosen, they proceeded to execute and sign the

same. This deponent cannot state the amount signed, but each of the individuals above mentioned took a portion of the bills so signed. This was done without consulting the directors or stockholders who resided in this county, and the apportioning the same among themselves, was after they had left the room. This deponent happened to return to the office at the time of the apportionment, on business, as the room was at that time used by him as a post-office. Deponent does not know what entries were made in the books, or paper taken for the same. No bills were taken by any resident stockholder or director.

Deponent further says, that the individuals above named have all left the county of Shiawassee. That he saw said Morehouse, Clark, Pierson and Gay at Shiawassee about two weeks since, the last time they were at that place. That he obtained the key of the safe containing the books, papers and property of said bank, from said Pierson, at Ann Arbor, between one and two weeks since, and still retains the same.

That all the books, papers, property and effects belonging to said bank were exhibited to A. Felch, one of the Bank Commissioners of said state, on the 19th inst., excepting the notes given up to the stockholders, as above mentioned. That he does not know the amount of notes of said bank put into circulation, and has no means of ascertaining the true situation of said institution, other than as above stated, and as exhibited by the books and papers aforesaid.

L. BROWN.

Sworn and subscribed to, this 21st day of March, Anno Domini, 1838.

A. FELCH,
Bank Commissioner.

(No. 10.)

Affidavit of Wm. S. Stevens, relative to the Farmers' and Mechanics' Bank of Pontiac.

Detroit, March 24, 1838.

William S. Stevens, president of the Clinton canal bank at Pontiac, being duly sworn according to law, deposes and says: that the specie counted in said bank by Alpheus Felch, Esq., the Bank Commissioner, was the bona fide property of said bank. That of this sum the amount of twelve thousand was, after the examination aforesaid, loaned to the Farmers' and Mechanics' bank at Pontiac, at the urgent solicitation of G. W. Williams, cashier of said bank, who borrowed the sum for exhibition to the

Commissioners. That the key of the inner banking room was, in the hurry and embarrassment of multiplied engagements, inadvertently taken away by him, he being hurried away by a pressing engagement, and not for any purpose of deceiving the said Bank Commissioner in regard to the bank of which he is president. That he is a stockholder in the Bank of Oakland, and he has been well informed, and believes, that a large proportion of the specie exhibited to the Commissioner by the said bank as the property of said bank was the property of the United States, deposited in said bank by Charles C. Hascall, the receiver of public moneys at Flint river, and has, since its examination by the Commissioner, been withdrawn from said bank by said receiver.

Sworn and subscribed before the undersigned Bank Commissioner, this 24th day of March, 1838.

K. PRITCHETTE,
Bank Commissioner.

(No. 11.)

Clinton Canal Bank and Farmers' and Mechanics' Bank of Pontiac.

Affidavit of D. H. Parker.

STATE OF MICHIGAN, }
County of Wayne. } ss.

David H. Parker, being duly sworn, on oath says, that he was at Pontiac, in the county of Oakland, on the day when the Clinton canal bank was examined by A. Felch, one of the Bank Commissioners of the said state, on or about the ninth day of March last. That on the day of said examination, B. C. Whittemore, teller of the Farmers' and Mechanics' bank of Pontiac, applied to William S. Stevens, president of the Clinton canal bank, to lend him specie from the Clinton canal bank for the purpose of exhibiting the same as the specie of the Farmers' and Mechanics' bank, on the examination of that institution by the Bank Commissioner, which examination was expected the next morning. Said Whittemore remarked that unless he (Stevens) lent them the specie, they would be ruined, or words to that effect. This application was on the evening after the examination of the Clinton canal bank had taken place.

William S. Stevens left Pontiac for Detroit about eleven or twelve o'clock on the same night, and requested deponent to see to the specie which was to be transferred from the Clinton canal bank for the above mentioned purpose to the Farmers' and Me-

chanics' bank of Pontiac, and to have the same returned. After said Stevens left Pontiac, and between twelve and two o'clock of the same night, deponent assisted in removing twelve thousand dollars in specie from the vaults of said Clinton canal bank to the said Farmers' and Mechanics' bank. This specie was removed by deponent and H. H. Dunkley, and was received at the Farmers' and Mechanics' bank by said Whittemore, the teller thereof. It remained in the last mentioned bank during the next day, which deponent thinks was the tenth day of the month, and on the next evening was removed again to the vaults of the Clinton canal bank. George W. Williams, the cashier of the Farmers' and Mechanics' bank, was present when the specie was taken from said bank to be returned to the Clinton canal bank.

Deponent understood from all parties, that the specie above mentioned was the property of the Clinton canal bank. About the time the specie was taken away, said Williams said "that they would not have had to borrow this specie, if they could have had their own specie in; that it was out in two other institutions, but he did not name them. Deponent learnt from said Williams that the specie was exhibited to the Bank Commissioners while in the Farmers' and Mechanics bank, as above mentioned, on their examination of the last mentioned institution.

DAVID H. PARKER.

Subscribed and sworn to, before me, this second day of April,
A. D. 1838.

A. FELCH,

Bank Com. of said state.

Affidavit of R. J. S. Page, in relation to the Farmers' Bank of Genesee.

Grand Blanc, March 15, 1838.

R. J. S. Page being duly sworn according to law, deposes and says, that he is the cashier of the Farmers' bank of Genesee, located in the village of Flint, in the county of Genesee; that he was appointed cashier, on the 4th day of January, in the place of R. M. Morrison. The bank went into operation a few days previous to his appointment; that the bonds and mortgages had been approved; the president and directors were appointed. Horace R. Jerome was president. The notice filed in the Secretary of State's office and published, named the location of said bank as at the Flint Rapids, a place about six miles distant, the intended place of residence of the president. That the bank never went into operation at that place, but all its business was transacted at the Flint village. The capital stock was one hundred thousand dollars.

The amount of fifteen hundred dollars or thereabouts, principally in silver, was in the bank at the time he took charge of the business as cashier. This sum he sent to Detroit at the request of Delos Davis, one of the stockholders, to meet a specie certificate of that amount, from the City bank of Detroit, which had been sent to him by the said Davis. The certificate was for the redemption of the notes of the bank; that he does not know whether the thirty per cent. required by law previous to the bank going into operation, was or was not paid in; that he, the said cashier, was made a director when appointed cashier, and was alone at the bank, and had not in his power to consult the directors or president in regard to transmitting the specie to Detroit to meet the certificate aforesaid.

That if the aforesaid thirty per cent had ever been paid in, it had been withdrawn from the bank previously to his taking charge of the bank as cashier.

That Horace R. Jerome was appointed by the applicants under the law as the treasurer of the bank. That he, the said Page, was one of the original subscribers to the stock of said bank; that the manner in which he paid in his first instalment of ten per cent was as follows: He received from the treasurer of the bank a specie receipt for \$500 for which receipt he gave his note for \$500, payable to the cashier of the Farmer's bank of Genesee, in specie. This took place previously to his subscribing for the stock. When he subscribed for his stock, he presented to said Jerome, treasurer of the bank, the said receipt, and received from him the note given by him to the said Page as aforesaid; that this stock was taken by him, the said Page, at the request of the said Jerome, expressly for the said Jerome, he not intending to take any stock on his own account, and that he accordingly transferred the said stock to the said Jerome as agreed upon, immediately afterwards. That when he was appointed cashier, the said Jerome transferred to him one hundred shares of stock, upon which no per centage had been paid in, and that he gave his note for fifteen hundred dollars, payable to the cashier of the said bank, as his instalment of thirty per cent on said stock, since which time he has taken up the said note by paying into the bank fifteen hundred dollars in the notes of said bank. Stock notes of a similar character were given in at the same time in the same manner, by all the stockholders, and so far as he has any knowledge, he has reason to believe that the receipts to the stockholders now in the bank, from H. R. Jerome as treasurer, were taken for the original instalment of ten per cent as specie, in the same manner as his own was taken by the said bank, with the exclusion of the sum of fifteen hundred dollars or thereabouts, which was in the bank as before mentioned in specie. Whether this was paid in on the stock notes or not, or whether it came into the bank after-

wards, he does not know. No specie was paid into the bank while he was cashier, except the sum of sixty dollars by Albert Miller of Saginaw, a stockholder and director, which sum was endorsed on his stock note in part payment of the same.

A few days since, W. W. Gitt of Detroit, transferred to him, the said Page, fifty shares of stock, on which nothing whatever had been paid, and the stock note of the said Gitt was given up to him.

Forty shares were likewise transferred to him by E. R. Ewing of Flint, on which no instalment had been paid, and his stock note was likewise surrendered to him, the said Ewing.

On the 17th February last, at a regular meeting of the stockholders, agreeably to notice given according to law, for the purpose of choosing directors and transacting the general business of the bank, he, the said Page, had powers of attorney covering a majority of the stock. At this meeting James Cummings was appointed a director in the place of E. R. Ewing, whose place was vacated by transfer of his stock, and Peter Siles in the place of R. J. S. Page who had resigned as director. That he took the transfer of the said stock at the request and solicitation of the said Gitt and Ewing, but that he did not consider the transfer a legal one, and therefore neither entered the transfer on the books of the bank nor gave any stock note of his own for the said shares. After he became cashier of the bank, bank bills to the amount probably of twenty-five or thirty dollars, signed by H. R. Jerome as president, and R. M. Morrison as cashier, were burnt by the said Jerome, after having been redeemed by the bank, not wishing to have bills in circulation with the names of different cashiers; that he has no means of knowing what issues of notes bearing the signatures of Jerome and Morrison were put in circulation, there being no entries on any book of the bank, designating the issues. That since he has been cashier he has signed bills to the amount, he thinks, of one hundred and fifty-five thousand dollars. Of this amount, he has put in circulation on discounted paper of others, and the ordinary expenses and business transactions of the bank, probably about ten thousand dollars. Of the amount signed as aforesaid, the president, Horace R. Jerome, took into his possession about fifty-four thousand dollars expressly for exchange purposes, for which he left a note, which he thinks is in the hands of Delos Davis of Detroit. There remains in the bank redeemed bills to the amount of between three and four thousand dollars. There is also the sum of fifteen hundred dollars in the Detroit city bank redeemed by it by the specie deposited there as aforesaid. The balance of the said amount signed by him as aforesaid was placed in the hands of Delos Davis and Rufus Brown, Jr. of the city of Detroit, for the purpose of exchange, those persons being agents for the bank. That he knows of no

other indebtedness of the bank except it be for the engraving of the bills and the service of the officers. That at two different times certificates of deposit were given by the bank to the Exchange bank at Shiawassee. The first was in the name of David Root, a stockholder of said bank, and at the same time a receipt was taken of him to cover the amount. This certificate was for the sum of twelve thousand dollars. The second in the name of Simpson Buck, also a stockholder in said Exchange bank, for the sum of twelve thousand dollars. This certificate was given to Geo. W. Clark, the cashier of said bank, and at the same time Simpson Buck's receipt was taken covering that amount. The first was given to commence the operation of the said Exchange bank of Shiawassee, and the second for the purpose of making a report of the condition of said bank. The first certificate was given under the instruction personally given to me by Mr. Buck, a director of the Farmers' bank of Genesee. The second by written instructions from the same director. No entries were made of these transactions in any book of the bank.

To meet the liabilities of the bank, there is in the bank discounted paper to the amount of between six and eight thousand dollars, as he thinks. There are receipts in the bank given by various directors and stockholders for various sums, amounting to probably about two thousand dollars, which sums were taken by them for exchange purposes. Notes for the amounts taken by Horace R. Jerome, Delos Davis and Rufus Brown, Jr. were given by them for the respective amounts received by them for exchange purposes as aforesaid. No returns have been made of exchange paper, or otherwise, from either of the aforesaid persons. The notes given as aforesaid by Jerome, Davis and Brown, were left by mistake in Detroit.

That he prepared a statement early in January of the affairs and condition of the Farmers' bank of Genesee, as cashier, in which he showed an amount of twenty thousand dollars in specie on hand. This was made up of certificates of deposits as follows: One from the "Bank of Oakland," signed by Daniel Le Roy, president, for the amount, he thinks, of ten thousand dollars; another from the Clinton canal bank for ten thousand dollars, he thinks—this last was signed by Wm. S. Stevens, president. These certificates were loaned for the purpose of enabling a statement to be made. No deposits were actually made. The certificates were both returned on the same day on which they were received. This transaction took place, and the statement was made up at Pontiac, where he went for that purpose. Mr. Jerome was with him, and received the statement and took it himself to Detroit. This statement was signed by the president and cashier. In Detroit the president supplied a deficiency of thirty thousand dollars, which was necessary to make the exhibit of ten

thousand dollars, (the thirty per cent necessary to be paid in.) The statement as filed with the Commissioner must have been signed by himself alone ; as it exhibits thirty thousand dollars, being the full amount necessary as aforesaid.

He also prepared a statement of the condition of the bank, dated the first of February, and also an answer to the interrogatories of the legislature. The statement and interrogatories were based upon the following facts :

The specie in bank and personal property of the bank, which was considered as specie, was two thousand dollars. Ten thousand dollars in silver was brought and paid into the bank at the time by Davis and Brown, (Delos Davis and Rufus Brown, jr.) from Detroit. Two certificates of deposit, one of five thousand and one of fifteen thousand dollars. The last certificate of fifteen thousand dollars, was from the Farmers' and Mechanics' bank of Detroit, and signed by Jno. A. Welles, as also was the one for five thousand, as he thinks. The specie and certificates were there for four or five days, and were taken away again by the same persons, with the express understanding that they were taken by them as agents for the bank. That he went in with Messrs. Davis and Brown aforesaid, to Detroit, and there signed and filled out all the bills mentioned above as signed by him; as cashier of the Farmers' bank of Genesee. This was about the sixth of February ; he thinks the bills were all dated the fourth day of January.

The deponent further states, that on the tenth day of March, instant, Delos Davis, a stockholder of the bank, came to him at the bank and stated that the Bank Commissioners would probably be there on Monday or Tuesday, and that he had on the way ten thousand dollars, to place in the vaults of the bank, for the purpose of examination by the Commissioners. He said it was in charge of Dr. Scovel, of Detroit, and would be at Grand Blanc that night, (the 14th.) That he, the said Page, refused to receive it unless it was the bona fide property of the bank, and to be used for its business, and told him unless it could be so considered and used he must take it away again. He, Davis, replied, that if I thought it was best to do so, it should be done. He, Page, told him that the exhibition of this money would give an increased currency to the bills, which, under the circumstances and condition of the institution, he was not willing to countenance, and should not receive the money except in the manner as above stated. He knows nothing further of this specie.

He further states, that there are no set of books open in the bank and never have been. That the papers are in the bank in the charge of his wife, with directions to give the key of the bank to the Commissioners. That he has no papers with him here to refer to, to correct his recollection in regard to sums and dates,

but that the same are as accurate as his recollection now enables him to present.

R. J. S. PAGE.

Sworn and subscribed in the presence of the undersigned Bank Commissioner.

K. PRITCHETTE.

(No. 12.)

Bank of Lapeer—Affidavit of A. Goodrich.

Goodrich, March 14, 1838.

Aaron Goodrich, a director and stockholder formerly of the Bank of Lapeer, being duly sworn according to law, deposes and says, that he was one of the original subscribers to the stock of said bank; that he, to the best of his recollection, was subscriber to the amount of one hundred shares, which was reduced in the distribution of the said stock to the number of seventy-six, as he thinks; that he was not present at the payment of the first ten per cent, but that his own instalment was paid in, as he believes, having requested another to do so for him. That he was not present when the appointment of directors was made, but was present at a meeting of the directors within a few days afterwards, when he was informed that he had been chosen one of the directors. At that meeting, Norman Davison, Esq., was elected president, and Alvin N. Hart was elected cashier. That he does not know whether the thirty per cent required by law, previous to going into operation, was or was not paid in; that he was present probably four times or more, at subsequent meetings of the board of directors; that during the sittings of the board at which he was present, notes were laid before the board for discount. Exchanges to a small amount were made, but to what amount, he does not know. When at the bank on one occasion, he was given to understand by the president, cashier and B. F. Towne, one of the directors present, that he was to consider himself as agent for the exchange of the bills of the Bank of Lapeer for other funds; that there came into his hands at different times, as agent for exchanges and loans to himself, exceeding the sum of thirty thousand dollars; that he made exchanges to a small amount, and passed over a portion which he received for exchange purposes, to B. F. Towne, one of the directors, who was better able to leave home for such purposes than himself. At one time, he passed over to him bills of said bank to the amount of sixteen thousand dollars. He has receipts from Benj. F. Towne for that amount, for the purposes of exchange, and he thinks he

has evidences of receipts from him to a greater amount, probably to the amount in the whole, of nearly twenty thousand dollars; that he drew out the sums he received for exchanges on checks. He thinks that when he paid into the bank exchange funds, he received the like amount from the bank in its own bills, and that the exchange funds paid in did not materially affect the sums drawn out by him of the bills of said bank in the checks aforesaid; that he thinks besides the sum above stated handed over to B. F. Towne, the bank has his note for five thousand dollars. It has also other evidences of debt from him to cover the remainder of the sums which came into his hands either as agent or on loans: that about the time the bank went into operation, he heard the cashier say, he acknowledged the receipt of fifteen thousand dollars paid in; that he thinks he saw four or five thousand dollars in gold, about the time of the subscribing of the stock, as near as he could judge, not having counted it, which he presumes was the specie paid in on the subscription of the first ten per cent of the stock of said bank; that he does not know if the specie was subsequently withdrawn by the stockholders or not; that at or about the time of the paying in of the thirty per cent on the capital stock, he did not pay in any gold or silver on his stock, but that he handed to the cashier about that time, a specie certificate from one of the city of Detroit banks, to the amount of 15 thousand dollars. This city bank was the *Farmers' and Mechanics' bank*. The certificate of deposit was signed by *John A. Welles, cashier*, payable, he thinks, to him; *that the certificate was cancelled by a check* drawn by him on said bank for the amount of the said certificate of fifteen thousand dollars; that the certificate and check were given and received on the same day; that no specie in fact was deposited in said bank by him, on which the certificate of deposit was given; that the specie certificate above mentioned was received from the cashier of the Lapeer bank by him; whether it has been returned to the bank from which it was received in Detroit, he cannot say; that he has sold his stock in the Lapeer bank, and ceased to be a director of said institution about the first part of the month of January last. He sold his stock to Samuel J. Searls, and H. H. Harris, and to D. S. Cady, the present cashier. He transferred his stock to them without any specific compensation, except an understanding that he should have a reasonable time to pay up his liabilities to the bank; that the majority of the stock was subscribed for and owned by himself and his friends, for whom he acted as agent.

A. GOODRICH.

Sworn and subscribed before the undersigned Bank Commissioner, this fourteenth day of March, A. D. 1838.

K. PRITCHETTE.

(No. 36.)

Report of the minority committee on Printing, on the bill to repeal the act creating a State Printer.

The minority of the committee on printing, to whom was referred "A bill to repeal the act creating the office of state printer, and prescribing his powers and duties," respectfully report :

That having had the subject under mature consideration, in all its bearings, they can see no good reason why the bill should pass, even with the proposed amendments.

The minority of your committee arrive at this conclusion, from the consideration, that to repeal the act and abolish the office of state printer, would, for a time at least, produce general confusion throughout our legislative proceedings, and our whole system of laws, occasion unnecessary legislation, and be productive of no good to the state. And they are not aware that the public good requires any alteration or amendment to the present law.

As a committee of the Senate have had this subject under consideration, and have reported fully and ably on the same, the minority committee cannot better express their views than by referring to Senate Report, No. 11.

Respectfully submitted.

J. S. LIVERMORE,
Chairman.
H. SAUNDERS.

(No. 37.)

Report of the minority of the committee on Ways and Means.

The undersigned, as the minority of the committee on ways and means, to whom has been referred Senate Bill No. 29, providing for an anticipation of the several instalments of the five million loan, &c., respectfully reports :

That he cannot concur in opinion with the majority of said committee, in reporting back to the House of Representatives, without amendment, the bill referred to them. He regards the bill in question, as in substance, providing for a loan of the internal improvement fund, to such banks of this state as the Auditor General may designate. When loaned to them, he conceives that, as heretofore customary with all deposit banks entrusted with the keeping of the public revenue, it will be kept *so safely* as not to be available in good funds to the state, whenever such a course suits the interest or convenience of the bank. It can only be taken by the banks from motives of self-interest, to be employed for the accommodation of their customers and for the profit of the stockholders. Such deposits give a fictitious credit to the institutions in which they are placed, in the estimation of the public, and they are thereby enabled to flood the country with their bills. This will be accomplished by extending their discounts and speculating in exchanges. By this means the public money raised and set apart for the purposes of internal improvement, will be perverted and abused to the uses of private banking. It will be absorbed therein, and be exposed to all the jeopardy caused by the fluctuations in the business or credit of the banks to which it is loaned, or what is the same thing, in which it is deposited. He conceives this to be a correct statement of the nature and effects of the bill referred to the committee. For what else does it propose? If the instalments of the five million loan are anticipated, as provided by this bill, certainly it is to be by giving to the banks the drafts of the Treasurer of the state for those instalments, in exchange for *their credit, as exhibited in their promises to pay*. Although disguised in the bill, by the fiction of borrowing from the banks money upon the faith of these instalments for the use of the state, it is nothing else but loaning them drafts of the treasury of this state, upon a certain fund—these instalments—in exchange for their notes and obligations. In fact, then, the banks will obtain from the state the use of vast sums of public money, upon the pledge of their credit, and to be repaid by their issues of paper. It cannot be pretended

in the present state of our paper currency, and of the banks of the state, that the amount of even half a million thus obtained by them from the treasury, can be repaid by them in specie, or paper equivalent to specie. It must assuredly be otherwise. The money will all be needed by the state works, in consequence of appropriations already made and to be made, the present session of the legislature, within the present year. Much of it is needed at once, and must be immediately disbursed by the banks. It cannot be supposed, in the present condition of the few banks of this state which remain solvent, especially of the city banks, who are already immensely indebted to the general government, beyond their means to pay for former deposits, that any of these institutions can pay out specie or increase their present circulation convertible on demand into specie. They must resort, to sustain the monthly demands of the state works on them for the anticipation of these instalments, to issues of post notes. It is more than probable, to increase the profits of the bank, that these post notes will be made payable at some point out of the state, and will bear no interest.

While the public treasure will thus be absorbed by the banks "in fair business transactions," as it is sometimes termed, the state will be flooded with their irredeemable paper currency in the shape of post notes. If such is the result, as to a greater or less extent it must be, he conceives that the legislature of this state will, by the passage of the bill in question, not only risk the internal improvement fund, but will countenance a shameful abuse of banking privileges in the necessary emission by them of bank paper not convertible on demand into specie. This would be a serious evil, and a most dangerous precedent, and would still further deteriorate the credit of our already shattered paper currency.

It cannot be urged that there is no escape from this resort to the banks for pecuniary assistance to carry on our works of internal improvements. There is no such pressing or unavoidable necessity. The state treasury can safely and easily, by its own operations, anticipate these instalments until the state bank, about to be created, goes into operation.

The exigencies of the case may be met without having recourse to any of the banks, by the State Treasurer drawing directly on the funds in New York for the amount of all warrants drawn by the Auditor General for money due from the treasury, on account of the works of internal improvement; such drafts bearing interest and being made payable on the 1st of July, the time when the instalment of \$250,000 will fall due. The institution in which the funds of the state for the purpose of internal improvement are placed, is one of the best in the state of New York; not being a bank of discount on these funds, it is not liable

to be affected by any sudden change in the moneyed affairs of the country. But any risk of that nature will be avoided, by such a measure as this, because the drafts or checks would be presented for payment at the very time the money would be deposited. The plan is simple, safe and efficacious. It divorces the operations of the treasury from all dependence on, or connection with deposit banks. The checks drawn by the Treasurer, countersigned by the Secretary of State, bearing the impress of the seal of the treasury, will be immediately available to satisfy the demands upon the internal improvement fund now due, and such as will fall due, until the establishment of a bank under the direction of the state.

It may be objected that the persons to whom those checks will be paid will not be able to dispose of them except at a discount; but such an opinion can only be entertained by those who are ignorant of the nature of our connections with the state of New York. It is well known that Michigan labors under a heavy indebtedness to that state, and that she imports from the east a large amount of merchandize. Under such circumstances, those checks, drawn on a certain fund payable in the city of New York, and sustained by the faith of the state, will be better than any bank notes that can be issued in this state. They will be equivalent to specie or the best eastern funds, and they will be eagerly sought after by the business men of Michigan. This important public fund, that ought sacredly to be preserved from all risk and jeopardy, for the purposes of internal improvement, will thus be saved from the grasp of banks, and from being absorbed by their operations. It will be directly applied to its proper uses, and not exposed to any risk, which will be the case if deposited with any bank, as past experience has proved, both in the history of the financial operations of the general government and of this state. The main object to be consulted, is, the constant *availability* of the public treasure. It is not sufficient that it will be ultimately secure from loss. Such is most probably the case with the amount now in deposit in the State Bank of Michigan in this city; but that amount is unavailable at present, and hence arises our present embarrassments.

The public works should not be exposed to any hindrance or delay by dependence on the uncertain credit and business of any bank now existing in this state; for immense losses must be occasioned by such delays.

The undersigned, a minority of the committee of Ways and Means, therefore reports against the bill in question.

JONATHAN CHASE.

(No. 38.)

Report of the committee relative to abolishing certain State Offices.

The select committee to whom was referred the resolution to inquire if any, and what, state offices may be abolished; if any, and what, reduction of salaries, and other retrenchments may be made, so far as is consistent with the public good and the faithful administration of the affairs of the state, report:

That having considered the same, they would respectfully recommend,

1st. That "An act relative to the state geological survey and repealing an act entitled 'An act to provide for a geological survey of the state,' approved March 22, 1838, be so amended, as that the annual appropriation therefor be reduced to four thousand dollars, to be appropriated in the manner following, to wit: two thousand dollars to the State Geologist, one thousand dollars to the topographer, and one thousand dollars for their contingent expenses, and that all other offices connected with the geological department, be suspended or abolished.

2nd. That section thirty-seven of an act to amend an act entitled "An act to regulate banking associations, and for other purposes," approved December 30, eighteen hundred and thirty-seven, be so amended as to provide for the appointment of but one Bank Commissioner, and that his salary be reduced to eight hundred dollars per annum.

3rd. That the salary of the Superintendent of Public Instruction be reduced to one thousand dollars per annum.

4th. That so much of the act respecting the Governor's private secretary as relates to his salary be repealed, and an allowance of three dollars per day during the session of the legislature, be made to that officer.

5th. That "An act to provide for the enlargement of the state library," approved March 21, 1837, be so amended as to reduce the annual appropriation for the same, to five hundred dollars.

The committee, believing, that we are legislating for a peculiar crisis in our financial affairs, that the currency of our state is so deranged as to be almost unavailable for any practical purposes, thereby rendering the people unable to contribute any immediate aid to replenish an almost exhausted treasury, and believing, that though science may be advanced and future benefits accrue from the development of our geological resources, yet, as no immediate good can be derived by a large moiety of our tax paying po-

pulation, from a continuance of the zoological and botanical departments, and the collection of specimens as contemplated in the act providing for a geological survey, the committee thought it advisable to recommend a reduction of this appropriation to the lowest sum necessary for the completion of the works commenced by the topographer, and the successful prosecution of the saline operations.

This reduction will not only subserve the present interests of the state, but will, the committee believe, meet the approbation of the people. Hereafter, when from a rigid system of economy, our treasury shall be replenished, when our currency shall be restored to a sound and healthy state, when happier times shall dawn upon us, and "prosperity shall be within our borders," other legislatures can, and doubtless will, provide for the development of all our geological resources; but at the present, the exigencies of the times imperiously demand of us, so to husband all our means, as to be enabled to meet all necessary demands that may be made on the treasury.

The general failure of the banks organized under the general banking law, as well as some of our chartered banks, would, in the opinion of the committee, render the services of more than one Bank Commissioner unnecessary. Although a part of the committee were of the opinion, that the services of even that one, might be dispensed with, yet to be prepared for any evils that might arise from the want of such an officer, it was thought advisable to recommend the retaining of one, and although the responsibility of that one will be increased, yet, as his duties cannot be arduous, or occupy much of his time, eight hundred dollars a year will remunerate him for his labors.

The duties of the Superintendent of Public Instruction cannot be so onerous, but that one thousand dollars per annum, will prove an ample compensation for all services rendered.

The committee, though recognizing no claim which the Governor could have for compensation for the services of a private secretary, yet, as the services of such an officer might be necessary during the session of the legislature, thought a per diem allowance preferable to an annual salary.

The committee are fully sustained in their views as to the compensation to the Superintendent of Public Instruction and the private secretary to the Governor, in a report made to the last legislature, by an honorable senator from Wayne, which may be found in Senate Documents for 1838, page 529.

If the object to be attained in the gradual enlargement of the state library, be to provide such books only as will be useful and necessary to the various officers of the state in the discharge of their official duties, five hundred dollars per annum will suffice; but if it be to accumulate a fund of general literature, to amuse

their leisure hours, the sum already appropriated will prove insufficient.

A bill is now before the house, reducing the board of commissioners for internal improvements to four in number. The committee believe that this reduction, while it will diminish expenditures in the form of salaries, will have a salutary tendency in the promotion of economy in all the expenditures of that department, and while four commissioners will suffice to perform all the duties incumbent on them, the individual responsibility of each being increased by a reduction of their number, will prompt to a more efficient and faithful discharge of their duties.

Although not properly coming within the range of duties assigned the committee, yet they would respectfully suggest the propriety of enacting a law to transfer the various specimens in mineralogy, zoology and botany, from the office of the State Geologist to the Regents of the University.

NATHANIEL HOWLAND,
Chairman.

(No. 39.)

Report of the Attorney General relative to the Farmers' and Merchants' Bank of St. Joseph, at Centerville.

To the Legislature of the State of Michigan :

In obedience to the resolution of the Senate and House of Representatives of the thirteenth of February last, "requesting the Attorney General of this state to transmit to the legislature his opinion as to the corporate existence of an institution purporting to be 'the Farmers' and Merchants' bank of St. Joseph,' at Centerville, whether said institution is amenable to the provisions of the general banking law of this state, and what further legislation (if any) is required to afford a proper remedy to the billholders and creditors of said institution," I have the honor to make the following report:

The history of the Farmers' and Merchants' bank of St. Joseph, at Centerville, or as it has been familiarly called "*the red dog*," is concisely as follows:

The notice for its organization, it is believed, was originally ordered to be published by some of the citizens of St. Joseph county, but about the time operations were to be commenced a "*financier*," who had already acquired considerable experience in the science of banking, and who then controlled a manufactory of the *most approved material* for establishing banks, happened to pass that way, and having his implements, to wit: *specie certificates, memorandum checks, &c. &c.* all ready, he succeeded in convincing the original publishers of the notice so fully of his *superior skill* in *financiering*, that the whole management of the concern was at once given up to him, and thus the public are indebted to William S. Stevens of Detroit, for the specimen of "*better currency*" afforded by the bills of the "*Farmers' and Merchants' bank, at Centerville.*"

It is understood, however, that the engravings were executed and at first designed for a bank at the village of St. Joseph, in the county of Berrien; but for some reason the original intention of the managing "*financier*" was abandoned, and the notes or bills of the "Farmers' and Merchants' bank of St. Joseph" were made to hail from "Centerville," by the impression of the name of that village in *red ink* on the face of the bills, and from this circumstance the *bank* derived its cognomen of "*red dog*," a name given to it, perhaps, as a term of reproach by some other "*experienced*

financier," who deemed his peculiar province encroached upon in the "getting up" of this *bank*, from the fact that the materials used were not manufactured at the usual mint.

Unfortunately, however, for this scheme of fraud, even the forms of law were not observed as in most other cases; the usual certificate not having been obtained from the county officers that the managers had complied with the preliminaries required by law, before issuing their paper promises, the legitimate representative of their "*specie certificate basis*." So anxious was this "*experienced financier*" to exhibit to the world his specimen of a bank founded entirely upon the "*credit system*," and capable of an indefinite expansion, without the fictitious aid of a single dollar in specie, that the first notice which the public had of his benevolent intentions to furnish a circulating medium for their benefit, was the presentation of the notes or bills of the *bank* in payment of his own debts, or in the purchase of property for the purpose of "*speculation*,"—the milder term used at the present time to designate a genteel robbery.

By reference to an official letter of the Hon. Thomas Fitzgerald, a copy of which is hereto annexed, dated March 5th, 1838, it will be perceived that although there were thirteen important particulars in which the managers of the bank (so called) had violated and outraged the laws under which they pretended to act, yet at that time they had already afforded community a "*circulating medium*" to the amount of nineteen thousand eight hundred and sixty dollars, the greatest part of which, it is believed, had been circulated and "palmed off" by the principal "*financier*."

At the time the above examination was made by Col. Fitzgerald, no certificate had been obtained by the operators in the bank from the county officers, and the law had been so entirely disregarded and violated, that it was deemed impossible to sustain any proceeding against them as a corporation, and no bill in chancery was therefore filed; but those who held their notes were advised to proceed against the individuals concerned, in order to collect the amount due on said notes or bills.

Subsequent to that time, however, the principal "*financier*," William S. Stevens, made another effort to carry into effect the object (which it is supposed) he had originally in view, namely, to furnish himself, and others who were interested, with the means of carrying on their speculations.

In order to accomplish this object, a new selection of directors and officers was made, and a new organization was attempted under the amendment to the general banking law, approved December 30th, 1837. But at this time also the operators were in too great haste to get their bills in circulation, to take the course marked out by the law, for instead of waiting until the affairs had

been examined by a Bank Commissioner, and his certificate had been obtained, as is required by the 16th section of the amendment above referred to, the directors, immediately upon being qualified, made out the certificate required by the seventh section, (a copy of which is hereto annexed,) and filed the same in the office of the Secretary of State on the 13th day of March, 1838. This was done too in reckless disregard and violation of every essential pre-requisite of the statute under which they professed to be acting. No specie was paid in and possessed by said bank. No actual capital was provided, (though it is said about five or six thousand dollars in specie belonging to the Clinton canal bank, left Detroit for Centerville, under the charge of William S. Stevens, but was returned in a few days.)

Nevertheless, they were ready to issue bills once more, and no doubt fully believed that they had taken all the necessary measures, such as the publication of newspaper puffis, notices, &c. &c. to ensure a ready reception of their "*precious paper promises*," thrown forth into the world with a *lie* upon their very face, as they purported to be upon a bank, which had, in truth, no legal existence, and which never possessed, it is believed, one cent of real capital, and which had nothing to sustain it but the sublimated effrontery and fraud of its principal founders.

By reference to the copy of a bond hereto annexed, from William S. Stevens to Thomas W. Langley, it will be seen that there was thrown into circulation about thirty thousand dollars, over twenty-one thousand of which, went through the hands of Stevens; it is hoped that this is the extent to which the public were defrauded, although it is greatly to be feared, that the whole circulation has not yet been ascertained.

To meet this circulation, there is the bond of Stevens, which has, as I am informed, been sued by Langley; some assets and some real estate securities, the amount and value of which, I have not been able to ascertain, but even some of these securities, as I am informed, were obtained by said Stevens, from individuals not connected with or concerned in the bank, in consequence of false representations.

Such is succinctly the history of the Farmers' and Merchants' bank of St. Joseph, at Centerville, and from the facts disclosed, I come to the following conclusions:

1st. That the bank never had a corporate existence.

2d. That although the bank never became a corporation, yet, as those engaged in "getting it up," held out to the public that their proceedings were had, and their bills and notes issued, in accordance with the provisions of the act to amend an act entitled "An act to organize and regulate banking associations, and for other purposes," they are estopped from objecting that they are not bound by its provisions, and are therefore amenable to all its

penalties, and liable in their individual capacities, in the order and to the full extent provided by that act.

8d. To meet the circumstances of this case, and provide the best possible remedy for those who have been defrauded, I would respectfully suggest the passage of a law providing, first, that all persons who shall withhold any securities which may have been executed in this, or any other case under the provision of the general banking law, from any person or officer duly authorized to demand and receive the same, shall, upon conviction thereof, be deemed guilty of a high misdemeanor, and shall be punishable by fine or imprisonment, or both, at the discretion of the court.

Secondly, That the chancellor should be authorized to appoint a receiver for the purpose of taking charge of the property and effects, and "winding up" the affairs of the Farmers' and Merchants' bank of St. Joseph, at Centerville, (so called,) which receiver should possess all the power and authority, and be subject to the same liabilities as in other cases, and who should be appointed upon the application of the Attorney General, by bill or petition to be filed for that purpose.

All of which is most respectfully submitted.

P. MOREY,

Attorney General, Michigan.

DOCUMENTS.

Copy of Letter of Thos. Fitzgerald, Bank Commissioner.

Coldwater, Branch Co., March 5, 1888.

To PETER MOREY, Esq.

Attorney General of the State of Michigan :

Sir—Enclosed, I transmit you the statement of William Foster, president of the Farmers' and Merchants' bank of St. Joseph, at Centerville, showing the condition of that bank, on the 3d inst. and supported by his affidavit, by which you will perceive that they have not *one dollar in specie on hand*; that their indebtedness is \$1,665, exclusive of their circulation, and their circulation, \$19,880.

I would state to you, officially, that on the 3d instant, I made a personal examination of that institution, with the aid of its president, (the only officer I saw,) and ascertained it to be an unlawful and unsafe institution, for these reasons, to wit:

1st. Said bank was organized and went into operation since the 10th of January last without complying with the fifth section of the general banking law, approved December 30, 1837, which

requires thirty per cent of the capital stock to be paid in, in specie, before commencing operations.

2nd. More than two-thirds of the capital stock appeared to be owned by persons who are not residents of the county where said bank is located and transacts its business.

3d. The provisions and requirements of the 6th section of said law, have not been complied with, in regard to the securities.

4th. The requirements of the 7th section of said law have not been complied with.

5th. The 8th section of said law has not been complied with by said bank, but has been disregarded in every particular.

6th. Although no part of said capital stock was paid in specie, as required by law, yet the bank has issued and put in circulation, \$19,860 of its notes, as money, in violation of the thirteenth section of said law, which limits them, in their issues and circulation, to twice and a half of its capital stock *then paid in and actually possessed*.

7th. No certificate was obtained from a Bank Commissioner, as required by the 16th section; nor can it be ascertained that the oath required of directors, in said section, or the bonds or securities therein named, have been attended to.

8th. The large amount loaned to the directors, is in violation of the 24th section of the general banking law.

9th. The whole amount of notes issued by said bank has been since the 10th of January last, and without any endorsement by a Bank Commissioner, in direct violation of the forty-first section of said law.

10th. The amount in bills of other banks now on hand, amounting to \$1,113, is of the most uncurrent paper in the state at present.

11th. The only evidence of the debts due the bank, are the receipts of sundry individuals, most of whom appear to be directors, and the certificate of deposit in the Clinton canal bank, the president of which is among the principal stockholders, and appears to be one of the chief managers of this institution.

12th. No securities appear to have been filed or recorded in the register's office of St. Joseph county, nor could the president of the bank, Mr. Foster, furnish me with any evidence that any securities whatsoever had been lawfully executed and recorded as required by law.

13th. I consider the whole operations of the bank such as to destroy all further claim to public confidence, and that the honor of the state and the interests of the public imperiously demand that it be "wound up" in the *shortest possible manner*, and that the people be put upon their guard against further imposition.

If either of my associates are in Detroit, you will please show

them this letter, that the subject of the \$15,000 certificate of the Clinton canal bank may receive their special attention.

I would have waited for Mr. Foster, the new president of the bank, to obtain security under the 8th section of the general banking law, as he promised to do within ten days, (if possible,) but I am of opinion that they will not give security, that much of their notes are yet in the hands of their agents for exchange and other purposes, and that they should not be permitted to have time to pass it off and defraud the public.

Respectfully, your obedient servant,

THOMAS FITZGERALD,

Bank Commissioner.

(Copy.)

STATE OF MICHIGAN, }
St. Joseph County. } ss.

We, the undersigned, President, Directors and Stockholders, do hereby certify that an association has been formed according to the provisions of an act entitled "An act to organize and regulate banking associations," approved March 15th, 1837; also, an act amendatory to said act, approved Dec. 30, 1837; and that the capital stock of such association is fifty thousand dollars, and that said bank is known and described as the Farmers' and Merchants' bank of St Joseph, located at Centerville in said county; and that we further certify that we have complied with the requisitions of the above named act. Dated at Centerville, March 15th, 1838.

THOS. W. LANGLEY,
WM. F. MOSELY,
DANIEL HOGAN,
W. S. STEVENS,
A. C. HUBBARD,
JAMES VAN BUREN,
WM. B. BROWN,
ADAMS WAKEMAN.

Filed March 22, 1838.

Articles of agreement made and concluded this fourth day of April, A. D. 1838, by and between William S. Stevens of the city of Detroit, of the first part, and Thomas W. Langley, of St Joseph county, Michigan, of the second part, witnesseth:

That whereas, the said Stevens has at various times had from the Farmers' and Merchants' bank of St. Joseph at Centerville the following sums of money: One sum of three thousand five hundred dollars, for the which his, the said Stevens,' check is now on file among the papers of said bank; also, the sum of four thousand two hundred and forty dollars, signed and delivered to him by Wm. Foster and A. C. Hubbard, as president and cashier; also, subsequently and lastly, the sum of eight thousand dollars, on or about the seventeenth day of March; which said last mentioned sum was signed by Thomas W. Langley, as president of said bank, and which it was expressly understood was not to be put in circulation or to be without the control of said Stevens—which said sums above mentioned amount to the sum of \$15,740; add to which the sums following, which were had from the said bank by the following persons: To David H. Porter \$1,000; Langley Bruce, \$1,500; W. W. Gitt, \$1,500; Messrs. "Johnson, Lowe and Davis," the sum of \$1,600—to all together the sum of twenty one thousand three hundred and forty dollars, which has been had from said institution by and through the said Stevens. Now the said Stevens doth hereby bind himself, under a penalty of double the amount so out, to redeem and pay into the said bank within twenty days hereof, the above sums, either in bills of the said aforementioned bank, or in current funds that will be received in exchange for said bills, when the said Stevens shall be entitled, or the owners thereof, to take up the securities rendered to the state of Michigan in conformity to law, and which were submitted to the judges who examined the securities of said bank. It is also fully understood, that said Stevens is to be accredited on account of the beforementioned sums, the sum of twelve hundred and fifty dollars, the same having been paid to the cashier for the use of the bank. The said Wm. S. Stevens doth also hereby bind himself to pay to said Langley, a further sum of two thousand dollars, as a compensation for the winding up the concerns of said bank, and on the payment as aforementioned, of the sums aforementioned, the said Langley will give to said Stevens a full and entire release of responsibilities on account of said institution, there being in addition to the foregoing sums, seven thousand dollars in circulation, or in the hands of the bank or its agents, which latter sum the said Langley doth assume the responsibility and collection of, according to agreement. It is fully and perfectly understood by and between the said Langley and Stevens, that when the said Stevens shall have paid the

sums aforementioned, that he shall be entitled to all the evidences of debt given to the bank for the aforementioned persons, as well as all securities rendered ; also, a certain note now in bank, signed W. S. Stevens, Thomas W. Langley and Daniel Hogan, shall be given and destroyed by the signers thereof. It is further agreed by and between said Langley and Stevens, that the time shall be extended from twenty to sixty days for the redemption of the paper aforementioned, and the settlement of the affairs of said bank.

(Signed,)

W. S. STEVENS,
THOS. W. LANGLEY

(No. 40.)

Report of the Commissioners of Internal Improvement, in relation to the improvement of the Clinton River.

OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, March 26th, 1839. }

To the Speaker of the House of Representatives :

SIR—I have the honor of transmitting to the honorable the House of Representatives, a special report of the Board of Internal Improvement.

By order of the board,

E. H. LOTHROP,
President.

REPORT, &c.

To the Hon. the Legislature of the State of Michigan.

The Board of Internal Improvement, in pursuance of the requisitions of the sixth section of the act entitled "An act for the regulation of internal improvements, and for the appointment of a board of commissioners," would respectfully submit the following special report :

By the act entitled "An act to provide for the construction of certain works of internal improvement, and for other purposes," the eastern termination of the Clinton and Kalamazoo canal was fixed "at or near Mt. Clemens, on the Clinton river."

The Board of Internal Improvement, are satisfied that the benefits to be derived from this great state work would be greatly increased, if the Clinton river (although now navigable for small craft) should be so improved as to admit a free passage of all the vessels which commonly navigate our lakes and rivers, up to Mt. Clemens, or so as to permit the canal boats to pass down said river to Belvidere, and there meet the lake navigation.

And in order to obtain such information, as would enable the board to determine on the most practicable manner of connecting the Clinton canal with the navigable waters of Lake St. Clair, the Board, in September last, adopted the following resolution :

"*Resolved*, That the Acting Commissioner on the Clinton and Kalamazoo canal be required to cause a survey of the Clinton river, from the eastern termination of said canal to Lake St. Clair, with a view to the improvement of said river for steamboat navi-

gation and the construction of a towing path along its banks," &c.

A survey having been made under said resolution, it will be seen, by reference to the report of the engineer, marked (A.) and appended to this report, that the Clinton river, from Mt. Clemens to its mouth, is susceptible of being made a good canal at the small expense of \$37,915 75—a distance of five miles and two chains.

The plan of improvements proposed, is to make a good towing-path along the north bank, and cutting across several of the short bends of said river. This plan is recommended by the board, in preference to making a ship canal, on account of its economy, while at the same time, it is believed it will answer all the purposes of commerce.

The board would respectfully recommend to the legislature, such action on the subject, as their wisdom shall dictate.

The survey and estimate for a ship canal, marked (B.) is hereto annexed.

E. H. LOTHROP,
RIX ROBINSON,
JAS. B. HUNT,
WM. A. BURT,
L. B. MIZNER,
L. S. HUMPHREY.

OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, March 26, 1839. }

DOCUMENTS.

(A.)

Detroit, 20th March, 1839.

TO EDWIN H. LOTHROP,

President of the Board of Commissioners of Internal Improvement :

In conformity to your request, I herewith transmit to you an estimate of the expense of improving the Clinton river, from Mt. Clemens to the mouth of said river, as presented to your honorable board, at its meeting to-day, viz :

	Cub. yards excavation.	Cub. yds. embankment.	Graveling.	Bridges.	Aggregate cost.
Section No. 1, contains 81 chains,	23470	18212	\$117 00	\$129 50	\$725 94
" No. 2, " 81 "	57130	6019	240 00	1400 00	11302 70
" No. 3, " 81 "	24063	2533		700 00	4802 38
" No. 4, " 81 "	9231	6156		700 00	3022 36
" No. 5, " 78 "	12641	17493			7532 50
402 chains.	126635	80413	\$337 00	\$3329 50	\$34406 87
Contingencies, ten per cent.,					3446 86
Aggregate cost,					\$37952 75
Total distance, 5 2-50 miles.					

The above estimates terminate at a point distant 63 chains east of the termination of the cut, across the plat of Belvidere, and do not embrace the expense of excavating a channel through the bar at the mouth of the river.

Respectfully submitted,

ERASTUS HURD,
Engineer.

(B.)

Detroit, 25th March, 1839.

TO JAMES B. HUNT,

Acting Commissioner on the Clinton and Kalamazoo Canal.

Sir—In compliance to your request, I herewith transmit an estimate of the cost of improving the Clinton river, between Mount Clemens and its mouth, by deepening the channel and cutting across the bends, with a canal of 100 feet width of bottom, and 12 feet depth of water, viz :

			Amount.	Grubbing.	Bridges.	Aggregate.
Section Number 1,	81	212669 25	\$53167 25			
" " 1,		96554 12	11586 48	\$334 00	\$1146 00	\$66133 73
" " 2,	81	152612 25	38153 00			
" " 2,		71446 12	8573 25	480 00		46796 53
" " 3,	81	171855 25	42963 75			
" " 3,		99838 12	11979 96			54943 71
" " 4,	81	165558 25	41389 50			
" " 4,		67169 12	8060 28		1423 00	50981 78
" " 5,	84	92787 25	23196 75			23196 75
406 ch's.		1130483	\$238590 49	\$714 00	\$3578 00	\$241883 49
Contingencies, 10 per cent.,						24188 25
Aggregate cost of 5 8-80 miles,						\$266070 74

Respectfully submitted,

ERASTUS HURD,
Engineer.

(No. 41.)

Report of the Select Committee to investigate the accounts of Benjamin Porter, State Prison Commissioner.

The special committee appointed to investigate the accounts of Benj. Porter, acting Commissioner of the state penitentiary, ask leave to report :

That a majority of said committee have proceeded to the village of Jackson, to discharge the duties assigned to them, and after examining the accounts of said Commissioner, have come to the conclusion that the interest of the state demands a re-organization of the Board of Commissioners, and that some suitable person be appointed to proceed to the village of Jackson to audit and settle the accounts of said Commissioner. The committee have likewise taken an estimate of work done, the materials on hand, and from data in their possession, will be enabled in a short time, to give their views as to the probable amount of appropriation it will be for the interest of the state to make the ensuing season.

All of which is respectfully submitted.

(No. 42.)

Report of the majority and minority of the Committee on Printing, in relation to the bill making appropriations to John S. Bagg, State Printer.**REPORT OF THE MAJORITY.**

The committee on printing, to whom was referred the bill making appropriation for John S. Bagg, state printer, &c., with an amendment by the Senate, through their chairman respectfully report:

That having endeavored to give the subject an impartial and thorough investigation, in which numerous witnesses and affidavits have been examined, they have come to the conclusion, that, in the opinion of your committee, the amendment of the Senate ought not to be concurred in by this House, and that the sweeping proposition of that amendment, to strike *twenty per cent* from the whole bill, would do great injustice to the State Printer.

Among the witnesses and affidavits examined by your committee, are all the principal printers and book-binders in the city. Relative to the printing, there was but little, if any, discrepancy in the testimony. They concurred in stating that the prices charged for press work and composition are in accordance with the established and customary prices for such work in this city, and no more than a reasonable compensation.

Mr. Bagg's prices for binding were sustained by the affidavits of the foreman and workmen in his bindery, by the testimony of Mr. Burger, a gentleman who has for many years carried on the business of binding, and by the statements of other respectable gentlemen acquainted with the business. Their opinions were based upon a knowledge of the cost of materials, expense of labor, and all the circumstances attending the same, and concur in opinion that, all things considered, the prices were as low as could be afforded and make a reasonable profit. There were other gentlemen examined as witnesses, no doubt of equal respectability, who are or have formerly been book-binders, who were of a different opinion, particularly relative to the binding of the revised statutes. It was the belief of these gentlemen, that the charges for that work, (viz: \$1 25 per volume,) were too high—that it could have been afforded for from 80 cents to \$1 00 per volume—and one witness said that he had proposed to do the work for 60 per volume.

In consequence, therefore, of the discrepancy in the testimony relative to the binding of the revised statutes, your committee

are of opinion that some deduction should be made from that item.

It is but justice to Mr. Bagg, to state, that from an examination of his original bills for paper, it appears that he has by mistake done himself injustice in his charge for that article, and that instead of making a profit of from 20 to 25 per cent, as it was in testimony that he ought to be allowed, he has, in fact, charged very little, if any, more than cost and charges. Your committee, therefore, would not propose so much deduction from the item of binding as they would otherwise have done. They would, therefore, recommend a deduction of *ten per cent* from the amount for binding the revised statutes, and to amend the amendment of the Senate accordingly.

Respectfully submitted.

J. S. LIVERMORE,
Chairman.

REPORT OF THE MINORITY.

The minority of the committee on printing, to whom was referred the bill making an appropriation for the State Printer, with an amendment thereto by the Senate, respectfully recommend a concurrence with the amendment of the Senate.

After a careful examination of all the testimony elicited both from the state printer and from practical printers and book-binders, residents of this city, the minority are of opinion, that 75 cents per volume, for binding of the Revised Statutes, 50 do do for binding of the Journals and Documents of the Senate and House of Representatives, 25 cents per volume, for binding of the Session Laws of 1838, 5 dollars per ream for the paper for the Revised Statutes, 4½ do do do for the Session Laws of 1838, 4 do do for all other paper charged in the bill of the State Printer, is all that he is entitled to in justice, for those items in his bill. The following statement will exhibit the difference between the charges of the State Printer and what the minority of the committee are of the opinion should be allowed him.

	Charged.	Allowed.	Difference.	
Binding 7,000 Revised Statutes,	\$8,750 00	\$3,250 00	\$5,500 00	
1,300 Journals and Documents,	780 00	650 00	130 00	
3,375 Session Laws of 1838,	1,125 00	843 75	281 25	
75 do do 1838, (in calf)	93 75	56 25	37 50	
				\$3,968 75
810 reams paper,	\$4,860 00	\$4,050 00	\$810 00	
143 reams paper,	786 50	643 50	143 00	
136 reams paper,	680 00	544 00	136 00	
				1,089 00
Making a difference on binding and paper, of				\$5,058 75

If the printing of the Revised Statutes and the Session Laws of 1838, be reduced to 62½ cents per 1000 m's and per token, a further deduction of \$721 12 must be made, making in the whole, to be deducted on printing, binding and paper, the sum of \$5,-749 87.

To present in full, all of the testimony taken by the committee, would far exceed the limits the minority of the committee think it necessary to give to this report; they will, therefore, confine themselves to an abstract of the most essential parts. The testimony of Messrs. Aymar, Shaw and Rood, all practical bookbinders, acquainted with the cost of stock and labor, and competent to make an estimate of the same, conclusively proved, that the actual cost of labor and stock in the binding of the Revised Statutes, could not exceed forty-five cents per volume. Mr. Rood gave to the committee a statement, specifying the several items of stock and labor, with their cost, for the binding of such a work, which did not exceed that sum. Mr. Shaw testified, that he assisted in binding the Revised Statutes of New York, and that the cost of binding the same, was to the state, 75 cents per volume; that the Statutes of New York were larger than those of this state, and bound in calf, while those of this state were bound in sheep. That it would cost 14 cents more per volume to bind in calf than in sheep.

Messrs. Aymar and Shaw both testified, that the charge for binding a work similar to the Revised Statutes, in Albany or New York, would not exceed fifty cents per volume, and that an advance of twenty-five or thirty cents per volume, would abundantly remunerate for all difference of cost between these cities and this place. Mr. Rood testified, that he made proposals to the Secretary of State, to do the binding of the Revised Statutes for sixty cents per volume. Messrs. Aymar, Shaw and Whitney, dealers in paper, and well acquainted with the price of the same in this place, during the past year, testified, that five dollars per ream, for the paper for the Revised Statutes, and four dollars and four and a half dollars per ream for the paper for the Journals and Session Laws of eighteen hundred and thirty-eight, was all that the same were worth in this city. The State Printer himself admitted, that the paper for the Revised Statutes cost but four dollars per ream, at the mills. The minority of the committee have been informed from a source well entitled to their credence, that the cost of transportation of paper similar to that used in the Revised Statutes, is from three to four shillings per ream, allowing the latter sum, five dollars per ream, will, according to the State Printer's own admission, afford a profit of fifty cents per ream, which, if the quantity used, and that a profit is made in the printing and binding of the same, are taken into consideration, affords to the State Printer a large profit. The minority of the

committee cannot pass unnoticed one very singular item, exhibited by the State Printer in evidence, to sustain his charges for paper, viz :

"Discount on loss of exchange on Michigan money, at twenty per cent, \$996 14 cts ;" thus, charging the state near \$1,000 for loss of exchange of money in the payment for paper, though no evidence was adduced to show that this money was received from the state, or if received from the state, that he was forced to receive such depreciated money, or none.

Mr. Ladd, the foreman in the printing office of Mr. Whitney, testified that sixty-two and a half cents per thousand ems and per token, would amply remunerate the state printer for the printing of the Revised Statutes and the Session Laws of 1838. Mr. Ladd also testified that under the territorial government, he had done printing for the legislative council, that his charges were 50 cents per 1000 ems and per token, and that an advance of 25 per cent on those prices, would suffice to make up all the difference between the cost of printing at that period and the present time. As this bill will doubtless undergo a severe scrutiny before the House, the minority of the committee forbear to analyze certain discrepancies in documents exhibited to sustain the charges of the state printer. In conclusion, they would say, that from the foregoing evidence, and much other received by the committee, they are inevitably forced to the conclusion, that a concurrence with the amendment of the Senate, viz : a deduction of twenty per cent from the bill of the state printer, while it will be but an act of justice to the people whose representatives they are, will at the same time, leave an ample compensation to the state printer for all services rendered.

N. HOWLAND,
JOHN LOWRY,
TRUE P. TUCKER.

DOCUMENTS.

Testimony had before the committee on printing in the House of Representatives, in regard to the account of John S. Bugg, for state printing, &c. in addition to the testimony laid before the Senate.

Verbal testimony before the committee, taken down by Mr. Hanscom, Clerk of the House.

Mr. Shaw says he is a practical book-binder and printer ; says that the Revised Statutes could be bound at about 80 cents per vol. ; that would afford a fair profit. A book of the same kind,

bound in the same manner, would be worth 80 cents in New York or Albany. The pressing of the sheets is no part of the binding. Thinks that an edition of 7,000 copies could be got up—that is, printing materials furnished, and bound and all complete for about per volume. Paper such as is in the Revised Statutes is worth \$4 50 or \$4 58—that will afford a fair profit. Says that the materials and labor for binding a volume like the Revised Statutes would be about 45 cts. Does not carry on the business of binding in this city. The spring back will make a difference of some two or three cents per copy. The usual rule is, getting double for press-work what is paid the printer. Thinks the binding of the Session Laws would be about 18 cents per copy, (such copy as exhibited.) The paper for the book would be worth about \$3 50.

The New York Revised Statutes was bound for the contractors; 1,000 copies at their office; the contractors got 75 cents for binding, about 7 years ago. The work was let by contract, I believe. The difference between sheep and calf would be about one-third. Has never carried on the business of printing or binding in this city. Knows nothing practically about it as to this city. Says he has not carried on the binding or printing about six years since. He judges by what the present prices are in New York. Did not carry on business during the suspension of specie payments; does not know about the embarrassments of doing business at that time. A fair profit on the paper would be about 20 per cent; printers calculate 432 sheets to a ream, as usually reckoned; the outside quires are looked upon as waste. Thinks a man ought to make a profit on binding of . . . Sheep would cost 8, calf 24.

Mr. Aymar says he is a practical book-binder. The Revised Statutes, he thinks, could be bound in New York for 50 cts, that is, an edition of 7,000. Does not carry on the business here. Thinks they could be bound here at about 80 cts; thinks 80 cents difference between this place and New-York would be ample. Labor and materials for binding would be about 40 cents; probably would not vary 5 cents. Pressing and folding of the sheets is no part of book binding. Deals in paper in this city; thinks that the paper could be bought for \$3 00 in New York; thinks from \$4 50 per ream; intends to make about a dollar per ream on paper; doubts whether at the price of \$4 50 per ream, it would afford a dollar's profit. Thinks Session Laws, (exhibited) could be bound here from 20 to 22 cents; i. e. an edition of 3,400—that would give a good profit.

Has never carried on the business of book-binding in this city. Thinks that the other session laws exhibited would be worth from 38 to 40 cents per volume—would be done in New York less.

The paper for the same would be worth about \$4 50 by the quantity; i. e. they should sell at about that price. The difference in Revised Statutes for spring back would be about 3 cents; a fair per centage would be about 20 per cent clear of all expenses. Carries on binding book and blank works in New York; does his work by apprentices and journeymen. Principal part of the binding in his establishment is binding blank books. Mr. Burger of this city was a partner of his in New York; not in the book-binding business: only in selling books. A person should make a profit on mechanical business the same as on any other branch of business. Have been in the book and paper selling about six months in this city. Is customary to charge for blank leaves same as though printed. Never did any binding of the description of the Revised Statutes in so large a quantity—usually about 1,000 of an edition. Says that if compelled to do such a piece of work in a very short time, it would cost him more than to have the usual time allowed. Can not say how long an ordinary book establishment would be in getting off a work like the Revised Statutes.

S. L. Rood is a practical book-binder. Carries on business in this place. Has worked in the city of New York. For binding a work like the Revised Statutes would be 3 or 4 shillings per copy, an edition of 7,000 copies. The cost of labor and materials in this place would be about 45 or 46 cents, actual cost. He made a calculation about a year ago; then supposed that the work was going to be let by contract. It depends on the market in a measure at the time of the execution of the work. Thinks in this place 75 cents would be a fair price—no mechanic would think of getting or asking more. He proposed to make the contract at 60 cents per copy, but now he was satisfied he should not have been willing to have done the work less than 70 cents: the difference of a spring back is some 2 or 3 cents. Has dealt in paper in this city: thinks that the paper for the Revised Statutes could have been bought in the state of New York for three dollars, three and a half, and possibly four dollars per ream. Folding sheets is no part of book binding.

In relation to the pamphlet [laws] exhibited—in binding an edition of 2,400 copies, could be bound at about 25 or 30 cents; for the other pamphlets, [journals,] should charge 50 cents; that was what he did charge when he had a like contract of the state. They were stitched when he took them. Thinks he had rather taken them in the quire and folded than to have had as it was. Thinks that the paper is worth here some \$4 or \$4 50, of such a quality as exhibited. Have carried on business in New York. Has worked at Harper's in 1831. Worked in New York a year. Has been in the business here since Nov. 1834. Was in com-

pany with Stowell before that time in this place some six months. Has now only two hands in his employ in book-binding. In usual cases, of customers, he charges six shillings, if he binds only one copy, (like the Journals;) if he has 20 copies, does it for five shillings; the other pamphlet, (like the Session Laws,) about four shillings. The bill of prices is the same for old works; those prices have nothing to do with jobs of importance, where the amount was two, four, or five hundred dollars. That bill of prices was made out in 1834 or 5, and governs binding establishments. In binding in sheep, a book of 4 or 500 pages, the price would be a little different, about one or two cents. Mr. Reed and Mr. Booth some acquainted with book-binding. Thinks Mr. Booth an excellent workman. Don't think Reed knows much about. Mr. Burger did carry on business a while here, but is not a practical book-binder. There is a great difference in binding a large or a small edition; there is a difference of between 30 or 40 per cent between 1 or 1,000 or more. He bound for the state the statutes, 1833; he bound 100 copies or more, and charged 33½ cents per volume; did the work as a job sent in. It was done in 1834, when every thing was very high. For binding a copy like the pamphlet of '37 and '8, in calf, he might charge a dollar, if done nicely. He made a proposition to the Secretary of State for the binding the Revised Statutes; don't recollect the time, thinks it was 1837: made a calculation at that time; supposed it would be in one volume, and between 6 or 800 pages. Has not been in the habit of charging the state as much, when he had a quantity of work, as he charges individuals by small amount. He had a contract for folding and stitching, (vol. 3;) had 6½ cents for folding and stitching, for the state; used just such stock as they had on hand. It would be as profitable to bind the Revised Statutes at 60 cents, as to bind an old book of the same size at 100. The difference between taking off the glue and folding would be about 2 cents. Thinks a fair per centage on printing paper, is from 10 to 20 per cent.

Rood calculates the actual amount of labor and stock, \$3,207. The actual cost of binding is about 40 or 45 cents.

J. M. Burger is acquainted with the printing and binding business—has been for some sixteen years—has been in this city for four years.

The current prices for a copy of such a pamphlet as journals for binding, was 75 cents one title, and 25 cents addition for an extra title, (as Senate documents.) The price of such a volume as the laws of 1836 and '37, is 50 cents. Such were the regular charges of the binders in the town. Has never seen any of the kind of work like the Revised Statutes bound here, marked on the bill of prices. Should think that, in ordinary good times, a dol-

lar would be a fair price, but considering the times when the work was got out, should think that twenty-five cents addition would be little enough. He refers to any quantity. His binders were never in the habit of charging less for a large quantity than a small one. The work of binding such a lot of works as the laws, documents and Revised Statutes, including the whole, could not be done less than a small work. Thinks that an old work can be done, that is, bound, cheaper than you can prepare the sheets and fold and bind a new work. His opinion is, that \$2 50 is a low price for such a work as the Revised Statutes. Knows that in New York, no law book is got up for the same price, immaterial how large the volume. Was, at one time, proprietor of the Post; had two prices when he was selling paper; to book sellers he charged twenty-five cents profit, and retailed for fifty cents; thinks the profits should be twenty-five per cent on the paper of the revised statutes. Is not a practical printer or book-binder, but has been in the business. Had occasion to make remittances to New York during the suspension of specie payments; paid as high as twenty-five per cent for exchange; the usual rates were fifteen cents.

Mr. Ladd is a practical printer in this city; foreman in the Advertiser office. Has a knowledge of the prices established in this city intended for the current business of the place. A printer's token is one side of a sheet, and a publisher's both; price seventy-five cents for a publisher's token; thinks if a printer had a large job he would vary from them. It is not considered, in printing and publishing, that there is any extra charge for drying and pressing. Thinks it could be made profitable to the publisher to deviate from the established prices in printing 7,000 of a book like the Revised Statutes; thinks it could be done for 62½ cents per thousand m's, per token, double, \$1 25 or \$1 30. Knows nothing of binding. Knows little as to the cost of paper. These prices were established in 1836. The intention was to have the prices such as they could make a fair price of it, although it generally interfered with their other business. The price of printing was then, for journeymen, \$7 00 per week; it is now \$9 00. In the Advertiser office they have not varied from the rate of prices established in 1836; if a job was left, he should charge those prices; if bound to get out, an extra price might be required, provided there was not sufficient time allowed without convenience; if obliged to make alterations in consequence of the negligence of the writer or revisers, he should expect pay for it, extra. Has done nothing but pamphlets in his office since the establishment of the present prices; no book work. The current job work of an office is more profitable than pamphlet or book work at the established prices. Should think the Revised Statutes

a good year's job. The advance to publishers is generally double the price paid to journeymen. Has done printing in the office for the state; the price 50 cents M. and \$1 00 a token; thinks there is a difference of 25 per cent in the price then and now. Thinks that there has been an increase of embarrassments since 1832. They pay higher for journeymen and one penny more per thousand.

Benjamin Kingsbury—We made some proposals from our office for printing the Revised Statutes, or some pamphlets; believes it was 50 cents per thousand m's; don't recollect the details of the proposition. Is not a practical printer; thinks it was made by Dally; thinks the proposition originated with Gantt; thinks very likely one of the objects might have been made with a view to get below the proposals of Advertiser office; thinks the proposal was no less than the office could do it.

Wyllis Smyth is a practical printer, has been for some years. Has examined the Revised Statutes; from his knowledge of printing in this place, he thinks a work like the Revised Statutes could be printed for the same as other work, in conformity to the prices; there is a regular rule of prices established for book work, same as stated by other witnesses. Taking every thing into consideration, thinks the present price is correct. If a person should come into our office and leave a job, should make a bill in pursuance of the regular prices; should feel bound to do so, in order to do justice to his employer. That scale of prices is a fair one, as he thinks. In doing printing for the legislature, there is, as a matter of course, a good deal of night and Sunday work, for which we have to pay an extra price. It is understood in most places, and has been here, that, when printers work unusual hours, they pay an extra price.

The object of pressing, &c., is to make a fine work for the credit of the establishment. It does not belong to the printing; for so large a work as the Revised Statutes, there would be a good deal of work in pressing, &c.

George L. Whitney, sworn—Made a proposal for printing the Revised Statutes, at fifty-two cents per thousand m's, and one dollar per token; thinks the proposal was made to the committee on printing. It was, however, generally understood, that it was immaterial how low we offered to print; knew he should not get the job, and put it low. The established prices of printing will appear by the rates; those rates refer to the usual business of printing, such as jobs, pamphlets, books, &c.—the prices were considered fair, and should he have been requested to print such a work as the Revised Statutes, he should have charged the regular prices established by the rules. The pressing and drying is generally looked upon as a part of the printing, and no extra charge usually made. There is no set rule as to the allowance

paid publishers over and above what they pay printers. Can hardly recollect what his proposition was; feels quite confident that he offered to do it at such a rate as would have left him in a very odd predicament had the legislature accepted it.

Offered to do it so that he thought he should not have lost much. Thought that the prices of printing were such as was reasonably low, as fixed.

The value of labor and the expenses of carrying on business, has increased within the past few years. The usual advance here, is about twenty-six cents per token or per thousand. When the prices were established the price of hands was much less, for a foreman four dollars per week less. Recollects that the office of the Post made a proposition at the same time; thinks they had but one press; thinks the Revised Statutes all well done.

Is somewhat acquainted with the prices of paper here, and thinks that paper of this kind, the Revised Statutes, can be bought for about five dollars per ream, here. Don't know that he could propose to do the printing much less than the price charged. We usually count twenty quires to the ream, at the present time. Used to get eighteen whole quires, and two bad ones. Such has formerly been the practice. Three sheets to the token is generally reckoned for wastage. It is the duty of the printer to press the sheets. Had he supposed he should have got the printing, he should have charged more. Don't know whether he should have put it less than seventy cents per thousand. If he was going to do a work of so large a magnitude, he thinks that unless there was a special bargain made, he should charge the usual established price.

It was, as a matter of course, a great cost and extra expense in getting up and preparing to get presses, &c., and under all circumstances, he thinks Mr. Bagg has not charged too much.

AFFIDAVITS.

(No. 1.)

STATE OF MICHIGAN, }
Wayne County, } ss.

John S. Bagg, being duly sworn, doth depose and say, that the legislature of 1837, passed an act creating the office of State Printer, that he now holds, which act in substance provides, that said printer shall receive such compensation for his services, as shall be appropriated by the legislature, provided that such compensation shall not exceed the current prices of printing. That in making out his bill of printing of that session, he charged the current prices of printing in this city, to wit: *seventy cents per*

*thousand w's for composition, and seventy-five cents per token for press work, which prices were allowed and paid by the legislature. That at the special session of the same legislature held in June, the same prices were charged and allowed; that at the adjourned session of the same legislature held in November, to revise the statutes, the same prices were charged and allowed; that the resolution in pursuance of which he printed the Revised Statutes, was adopted by the same legislature, which, at its three sessions, paid him the said current prices; that when it was first proposed to have the Statutes executed in six months, he went to members and urged them not to require the work to be published in so short a time, as it would cost great extra expense to this deponent; that the legislature, nevertheless, required them to be done in that time; and that the necessary consequence to this deponent was, that the Revised Statutes cost him *at least ten per cent more*, for printing, than any other work which he has ever done for the state.*

And the deponent further says, that he has also made a careful calculation with the foreman of the bindery of J. S. & S. A. Bagg, who superintended the binding of the statutes, with a view to ascertain their exact cost; and that the cost of stock used and the wages of labor employed in binding that work, are as near as can be ascertained, as follows:

For stock, including binder's boards, sheep for covers, paste board for wrappers, muslin for loose backs, leather for raised bands, calico for head bands, acid for washing leather, waste paper for outside sheets, moreocco and gold leaf for title, glue, paste, thread, and twine, and charcoal for furnace, *not less than thirty cents per volume,*

\$ 30

For labor, including pressing sheets, and folding and tying up same, for storing, gathering and collecting, pressing and sawing, forwarding, cutting out leather, and finishing, with the superintendence of the whole by the foreman, *not less than fifty-seven cents per volume,*

57

Making the whole cost of stock and labor for the Revised Statutes, *not less than eighty-seven cents per volume,*

87

Without calculating the expense of going to New York to purchase, the cartage of the stock from the wharf, the expenses of binders from New York, expressly for the job, the boxing up of the signatures after folding, to preserve from injury and for easy removal in case of fire, the insurance on the stock until it was manufactured, the expense of the delivery of the books at the Secretary's office, in the capitol, and other necessary incident-

tal expenses, which must be considered before the profit of the work can be ascertained.

JOHN S. BAGG.

Sworn and subscribed before me, this 20th day of March, 1889.

GEO. E. HAND,

Notary Public, Wayne County, Mich.

NOTE.—The above statement by Mr. Bagg, of the cost of stock for the Revised Statutes, was made from the examination of the bills of the cost of the same in New York, the actual expense of transportation and ten per cent discount for difference in exchange. The following statement of Mr. Volume, was made from the bills of the cost of the stock in New York, without calculating the transportation and difference in exchange.

(No. 2.)

STATE OF MICHIGAN, }
County of Wayne. } ss.

Zadock Volume, foreman in the book-bindery of J. S. & S. A. Bagg, being duly sworn, doth depose and say, that the following is a true and correct statement of the cost of stock used in binding the Revised Statutes of the state of Michigan, as near as the same can be ascertained, viz :

For binder's boards, (per 100 copies,)	\$3 33 4
Sheep for covers,	14 28 5
Morocco for titles,	1 50 0
Paste board for wrappers,	50 0
Muslin for loose backs,	1 18 0
Leather for raised bands,	25 0
Calico for head bands,	25 0
Paste, glue, thread and twine,	3 00 0
Acid for washing leather,	21 4
Gold leaf for titles,	44 0
Waste paper, (7,000 outside sheets,)	1 00 0
Charcoal used in furnace,	45 0
	<hr/>
	\$26 52 3

And the said deponent further says, that the following is a true and correct statement of the cost of labor employed and paid for, in binding the Revised Statutes, after the sheets came pressed from the printing office, as near as can be ascertained, viz :

For folding, tying up, &c., (per 1,000 copies,)	\$6 00
gathering and collating,	4 00
	<hr/>

Carried forward,

\$

Brought forward,	\$	
pressing and sawing,		1 50
sewing,		5 00
forwarding,		12 50
cutting out leather,		75
finishing,		8 00
		<hr/>
		\$37 75

And the deponent further says, that in addition to the above cost of labor employed upon the statutes, his own service as foreman, and the time of one boy, about the bindery, are to be taken into consideration, and that the following is a true and correct calculation of the same, as near as can be ascertained, viz :

Three-fourths of foreman's time, Feb. 1, 1838, to April 1, 1839, \$15 per week, (per 100 copies,)	\$11 12
One boy's labor about the bindery, three-fourths of 8 months, \$116 00,	1 72
	<hr/>
	\$12 84

ZADOCK VOLUME.

Sworn and subscribed this 16th day of March, 1839, before me.

GEO. E. HAND,

Not. Pub., Wayne Co., Mich.

(No. 3.)

STATE OF MICHIGAN, } ss.
Wayne County.

Silas A. Bagg, of the firm of J. S. & S. A. Bagg, booksellers, book-binders and stationers, in the city of Detroit, being duly sworn, deposes and says, that he has made a careful calculation with his partner in business, of the cost of the paper used in the Revised Statutes, Session Laws, Journals and other work, the charges for which are now before the legislature, and that the cost of the same at the wharf in this city, including purchase money, boxing and cartage of paper at the mill, charges of transportation, insurance in transitu, and difference of exchanges, is as follows :

Paper for the Revised Statutes, per ream,	\$5 45
do do Session Laws, Journals, &c.,	4 95

And the deponent further says, that the customary charges of the said prices of J. S. & S. A. Bagg for binding current work for individuals, like the Session Laws of 1838, are 50 cents per volume, and for work like the House and Senate Journals and

Documents, 75 per volume, and for work similar to the Revised Statutes, from \$1 25 to \$1 50 per volume.

SILAS A. BAGG.

Sworn to and subscribed, this 18th March, one thousand eight hundred and thirty-nine, before me.

GEO. E. HAND,

Not. Pub., Wayne Co., Mich.

(No. 4.)

Statement of the cost of paper for the Revised Statutes, Session Laws, Journals, &c.

First cost of 810 reams of paper for the Revised Statutes, at \$4 00 per ream,	\$3,240 00
First cost of 279 reams for Laws, Journals and other work in bill, at \$3 62½ per ream,	1,012 37
Aggregate first cost of 1,089 reams,	\$4,252 37
Boxing and cartage, 20 reams to a box, 54 boxes at \$1 87½ per box,	74 22
Insurance on same from New York to Detroit, at one and a half per cent premium,	64 89
Cost of transportation of same at \$9 68 per box,	522 81
Add for discount or loss of exchange in Michigan money, 20 per cent,	996 14
Cost of paper at the office,	\$5,910 43
Insurance of one and a half per cent on half in office until delivered,	44 32
Interest on cost of paper as above (9 months) at 7 per cent,	312 62
Making actual cost of the paper, April 1, 1839, without including expenses to New York to purchase, postage, &c.,	6,267 37
Deducting the above from the amount charged in bill,	6,328 70
Leaves, to bear expenses to New York to purchase, pay postage, &c.,	\$59 33

(No. 43.)

Report of the Committee appointed to investigate the affairs of the Bank of Ypsilanti.

The select committee appointed to examine into the affairs and condition of the Bank of Ypsilanti, beg leave to report :

That as soon as the business of the House would permit after their appointment, your committee proceeded to Ypsilanti for the purpose of examining the books and papers of the said bank. They were there two days. They took some testimony, and have since been engaged in taking statements of individuals who reside in this city, or who have been so connected with the bank, as to be able to throw light on the very mysterious and daring frauds that have been committed upon the public in the failure of that institution.

Your committee, in examining the books minutely, could find nothing in the least, to implicate Mr. Tredwell, the late president of the bank, in the fraudulent transactions that caused its suspension. Mr. Tredwell and his friends, took the controlling interest of the stock of the bank at its commencement, and so held it till the 27th of September last. On that day, nearly all of the stock was transferred by Tredwell and others, to Theodore Romeyn, of this city, who had previously made arrangements for its purchase, with the expectation of connecting it with the Central bank of New York, at Utica. It is understood by the committee, that Mr. Romeyn made the arrangement to purchase with Mr. Stevens, and others of Buffalo, partners and friends of Mr. Tredwell, who felt himself bound upon a sufficient guarantee that the institution was going into good hands, to accede to their wishes, and ratify the contract. In this matter, as well as in the management of the bank generally, while he was executive officer, your committee have no hesitation in saying, that Mr. Tredwell manifested a due regard for the public interests, and is in no way blameable for the present prostrate condition and ruin of the bank.

One of the conditions of sale was, that certain discounted paper of the bank should be given to Mr. Tredwell, as payment for the stock. It was so paid, and upon the resignation of Mr. Tredwell, as president, a new board of directors, with Mr. Romeyn as president, was appointed, who immediately passed upon and discounted certain other paper to the amount of nearly or quite one hundred thousand dollars, which was said to be good, and your committee believed was so. Since that day, Mr. Tredwell has

had nothing to do with the bank. Your committee are aware that strong feelings and prejudices existed, and perhaps still do exist, against Mr. Tredwell, at Ypsilanti and other places, for his alleged connivance at subsequent mismanagement. Indeed, they received an anonymous communication, while at Ypsilanti, making some charges of fraud against him, but your committee could not find the least ground to substantiate such charges, neither do they believe them to be founded in truth or justice. The committee have thus far exonerated Mr. Tredwell, inasmuch as one of the committee read a strong petition from him, after they had commenced their labor, asking for a committee of investigation into his conduct while engaged in that bank; but which was not presented, for the reason that his object was accomplished, and the petition received while absent from the House.

In the purchase of the bank, Mr. Romeyn represented that he was acting in connection with the Central Bank of New York, reference being had to his testimony before the Bank Commissioner, herewith appended, marked (A.) When your committee first went to Ypsilanti, one of the directors of that bank, (Spencer Kellogg, Esq., long and favorably known as one of the most intelligent and honorable merchants of Utica,) was here, and at Mr. Romeyn's request, came before the committee and testified to that fact, as will appear from his affidavit herewith transmitted, marked (B.) This arrangement was subsequently abandoned. Previous to which, however, the Central bank advanced to the Bank of Ypsilanti, \$15,000, which, by the second affidavit of Mr. Romeyn, herewith transmitted, marked (C.) will be seen, has been paid, and is not now any portion of the liabilities of the bank. Your committee are aware of the state of public sentiment upon this subject, and also of the feelings which seem to be prevalent against Mr. Romeyn, but they have been unable to discover any thing that looks like bad or wilful management, while he was at the head of the institution.

There are some things, however, that would seem to require further explanation, although the same circumstances might occur without the knowledge of Mr. Romeyn, or without design. Mr. A. H. Jaudon is represented upon the stock ledger of the bank as owning stock to the amount of \$635 83. In the scrip book we found upon the margin of a printed certificate of stock, (the certificate having been filled and cut out in the usual way,) a memorandum, which purported to, and should contain substantially, the contents of the certificate, which gave Mr. Jaudon 5,000 shares of stock, on which \$25,000 was said to have been paid, signed by Geo. H. Tracy, cashier, dated 21st Nov., 1838. This should have corresponded with the ledger, but did not. Whether the result of accident, carelessness or design, your committee are not able to say, but refer to Mr. Romeyn's second affidavit for all

the information they possess on the subject. There was also a new plate ordered while Mr. Romeyn controlled said bank, and which Mr. Kellogg alludes to in his affidavit. The bills of that new plate are now in this city to the amount of five hundred thousand dollars, as your committee are informed by the receiver.

Your committee have endeavored, by parol testimony, to get at all the facts in this matter, but have been unable to discover any thing that will warrant us in expressing a confident opinion respecting the good or bad management of the bank from 27th September to 28th December. But in the absence of such testimony, we have taken the books as our guide, and by them your committee are free to say, that nothing appears mysterious, dishonorable, or which would justify the conclusion that the bank had been conducted with a reckless disregard of the public interest.

On the 28th Dec. the stock again changed hands. Mr. Romeyn sold out to Mr. P. S. Rawson, as agent for Arba K. Maynard and others. How far Mr. Romeyn was justified in selling the control of the institution to an individual with whom he says he was very slightly acquainted, or what guarantee Rawson was able to give that he was able to sustain the bank, other than what has already been published by the Bank Commissioner, your committee cannot say; they prefer to let the whole testimony, which is herewith transmitted, speak for itself. Nothing appears in the history of the transaction upon the books, to in any manner implicate Mr. Romeyn in the subsequent frauds, or that he was in any way privy to them.

There is no evidence that his connection with the bank was continued after his resignation, any thing further than feeling an interest to have it sustain itself, as he says in his second affidavit. Mr. Romeyn received in pay for his stock the paper which was discounted when he took the bank, and the new board discounted ten new ten thousand dollar notes, which were accurately described in the report of the Bank Commissioner, and which are now among the assets of the bank; but which your committee must say they consider worthless, inasmuch as there is too great a similarity in the hand writing of the signatures to induce the belief that they are not forged or fictitious. Since this time, your committee think that it is unnecessary for them to trace the management of the bank. It is sufficient for them to say, that they consider its failure an instance of as glaring a fraud as was ever perpetrated in this or any other community.

The committee have been unable to obtain any new testimony from Rawson, the principal actor in the matter, by reason of his continued absence from the state. They have availed themselves of that taken by Mr. Felch, and which is herewith transmitted.

marked (D.) It will be seen that his statements and those of Mr. A. K. Maynard, taken by the committee, also herewith transmitted, with a copy of his power of attorney to Rawson, marked (E,) contradict each other essentially. Both cannot be true.

Your committee have observed several direct violations of charter since the 28th December, but deem it unnecessary to particularize them in this report, inasmuch as they consider their whole course and management a violation of the true spirit, intent and meaning of the act of incorporation.

With these views, and entertaining the belief that a proper and just regard to the public interest requires it, in order to guard against future frauds upon our currency by men who are not residents among us, but who by their efforts not only cast a stigma upon our state and currency, but successfully swindle the community out of large sums of money, leaving us without hope or means of redress, your committee report the accompanying bill for the repeal of the charter of said Bank of Ypsilanti, and respectfully recommend its passage.

All of which is respectfully submitted.

A. G. HAMMOND,
J. GOODWIN,
TRUE P. TUCKER,

Committee.

Detroit, April 9, 1889.

Your committee would further state that they have taken much other testimony, but it would make this report too voluminous to transmit it; and inasmuch as it contained no additional light, it was thought best to withhold it. It is now in the hands of the receiver of the bank, at whose request this report has been delayed for the use of the Attorney General, if it should serve him in any way.

DOCUMENTS.

(A.)

A. FELCH, *Esq. Bank Commissioner, &c.*

SIR.—In accordance with your request, I shall now, as succinctly as possible, explain to you the circumstances of my connection with the Bank of Ypsilanti. It will be more convenient to do this in the form of an ordinary communication, than in that of a formal affidavit.

The first point on which you desire a full explanation, is the subject of the purchase of the stock by me, and the time and mode of payment.

The majority of the stock of the bank was owned by T. Tredwell, Esq. its former president, and by Mr. Horatio Stevens, of Buffalo. The contract for it was made in September last, and about the 30th of that month it was transferred on the books.

You desire me to state with particularity, "the mode of transfer and payment." The bonus paid for the capital of the bank was a matter of private contract, in which the public certainly have no interest; and, although I have no personal objection to disclose it, still, as it affects the affairs of others, I do not wish to say any thing about it.

Stock on which upwards of \$90,000 had been paid was transferred to me. The old officers and a majority of the old directors vacated their situations; new officers and directors were chosen; certain paper was offered by me for discount, and approved by the new board; other paper was taken up and given to Messrs. Tredwell and Stevens, in payment for their stock; certain moneys deposited in other banks and in the hands of agents, were transferred to the credit of Mr. Tredwell, who, in consideration of them, assumed the payment of some bills that had been drawn by the bank, and were not yet matured.

I understood you to wish particular information as to the nature of the paper taken out of the bank by Mr. Tredwell, and of that put in by me. The former I am unable to answer. It was undoubtedly good paper and such as could have been collected. The paper put in by me was, with perhaps a single exception, and that of small amount, such as, from the names on it, would have been approved by any bank in the state. A considerable part of it was actual business paper, owned by me at the time, and some of which was afterwards paid, and the remaining portion of it was obtained from my personal friends, by giving them counter security. My own name was not in the bank for a single dollar, either as maker or endorser of paper, and if I recollect right, none of the new directors' names.

The situation of the bank at the time of its transfer to me, was in round numbers, as follows:—Circulation about \$80,000; due depositors, about \$20,000; specie, about \$14,000; notes of other banks, and balances due from them, about \$3,000. The other resources of the bank consisted in discounted paper. I wish to be understood as giving these amounts merely from recollection, not having the statement at hand. They are, however, substantially correct.

The above amount of circulation may appear large, but will be understood from the following fact:

An agency of the bank had been long established at Chicago. The bills of the bank transmitted to the agent there, were always counted as office notes on hand, until advice was received of their circulation, when they were charged as such; and the moneys

received for them, (as they were exchanged only for money,) were passed to the credit of the bank. At the time of the transfer to me, Mr. Ballantine had in his hands about \$30,000, an order for which was given to Mr. Tredwell, and of course the whole amount charged as bills in circulation.

The amount of drafts assumed by Mr. Tredwell, was about \$40,000. The amount of money and other assets put in his hands exceeded that sum by about \$8,000, out of which he was to be allowed for expenses and exchange in converting these items into funds current at the place where the drafts so assumed had been made payable, and to account to the bank for the remainder. I have now given you, as nearly as I can, the state of the bank at the time of my purchase of its stock, and of the manner in which the transfer was completed. For what has taken place since then, the old officers and stockholders ought not to be held responsible.

I understand you to request from me an account of the manner in which the affairs of the bank were conducted while I remained connected with it.

At the time of the transfer, Mr. Follett, the former cashier, declining to continue, Mr. G. H. Tracy consented to act as cashier, but with the understanding that it should be temporarily, and shortly afterwards I was chosen president.

By the arrangement made with Mr. Tredwell, the bank was deprived of all her *cash* resources, except the specie and foreign notes actually in the vaults, and small sums due from other banks. Unfavorable rumors growing out of the change, soon began to circulate; a pretty severe run upon the bank here, and upon its agents at Chicago, commenced, and was continued for some time. I provided in Buffalo \$10,000, and in Utica \$15,000, and made an arrangement in Philadelphia for \$20,000 more, if wanted; and the bank sustained herself completely.

These funds were advanced out of my own resources, and by my own exertions. As they were put into the bank, her drafts for some of the amounts were given: and this will account for the amount of these in existence until very lately.

An important arrangement was made by us for the redemption of our bills at Chicago. A contract was made with Strahan & Scott of that place, by which that house agreed to take \$10,000 of the notes of the bank and disburse them. At the end of ninety days they were to return to the Bank of Ypsilanti that amount in currency equal to that of the State bank of Illinois, and in the mean time were to redeem all notes of the Ypsilanti bank that might be offered to them, at two and a half per cent discount, in Illinois money, and to disburse them again in the most advantageous way for the bank. On the 24th of October, \$10,000 of the notes were given them under this arrangement, and in November

an additional sum of like amount. They were also furnished with \$2,000 of eastern funds, to aid them in their redemption.

It is proper to say that, from advice received from them, from time to time, it appears that the amount in their hands has not been decreased. Of course this amount was not included in the statement of circulation.

I understood that you considered this arrangement objectionable. I am willing to admit that it was out of the ordinary train of business; but you will allow me respectfully to remind you of the state of things at Chicago. More than half the circulation of the bank was in that vicinity, and, unless some arrangement had been made for its redemption there, it would at once have returned to the bank. It is evident that *some* arrangement was rendered absolutely necessary by this fact: Mr. Ballantine, who before had redeemed the notes of the bank, in Chicago, was about to discontinue; and it is believed that the contract with Strahan & Scott was as favorable as any that could be made; and indeed not only from its terms, but from the high character of that house, and the credit reflected from their undertaking the agency, it promised unquestionably great benefits to the bank.

It will not be expected that we shall give in detail every act done by us, until our transfer of the stock of the bank was completed. The books of the bank will show that the policy pursued was one of contracting the circulation and general liabilities of the bank. The deposits were reduced to almost nothing, and the circulation to about two-thirds of its amount at the time when we assumed the management. Notwithstanding the removal of the state deposits, and the run upon the bank, before alluded to, its credit was fully sustained. Every thing presented at its counter was redeemed, and as far as I know, general satisfaction was given.

If I am not mistaken, a comparison of the proportion between the immediate liabilities of the bank and its cash resources at the time of its purchase by me, and the like proportion at the time of my sale, will demonstrate the truth of my position, that the policy pursued during the interval was that of steady and actual contraction of business and liabilities.

Not a discount was made during this time, so far as my knowledge extends, to a single director; certainly not to myself, directly or indirectly. All that were made were done with a view to accommodate business men and for business purposes. I took no money whatever on my own account from the bank, except when I exchanged other for it, and even this was specially deposited in the bank of Michigan, and not used until after I had resigned my situation as director. All the bills of the bank which I used were such as I myself had redeemed when out of the state, and this amounted to but a few thousand dollars. A number of

bills (amounting in the whole to \$25,000,) were taken by me to the state of New York for certain purposes, which were afterwards abandoned, and the whole of the money returned, as will hereafter appear. The same identical bills were returned, except a package of \$5,000, which were exchanged in the City bank of Buffalo for another package of the same amount, but of smaller denominations.

A rigid examination of the books of the bank will show you that my statement of its management, while I had the control of it is, in all respects, correct.

I come now in the course of this statement to another part of the matter, in which you have requested a full disclosure. I refer to the circumstances connected with my sale of the stock of the bank.

My object in purchasing the control of this stock was, with a view to connect the bank with one in the state of New York. Yourself will recollect the conversations had with you on this subject. Arrangements were made to a certain extent, for this purpose. In carrying out the details, however, difficulties arose that had not been anticipated.

Some of the stockholders of the bank objected to any of its notes being issued, except in the form of regular discounts, in which case but a limited number could be given to any one institution, from the restrictions imposed by the 16th section of the charter of the Bank of Ypsilanti.

Mr. Pritchette, one of the Bank Commissioners, supposed that all the notes thus issued, should properly be charged as circulation.

Yourself expressed very unfavorable opinions on the subject of the policy of the intended course;

I therefore determined to propose to those, to whom a portion of the circulation was to have been loaned, either at once to take the bank from my hands, or to release my contract with them, and mentioned this freely to my friends in conversation.

On the day on which I expected to leave Detroit, I received a letter, of which the following is a copy :

" *Detroit, 23d Nov., 1838.*

T. Romeyn, Esq.

DEAR SIR : I am requested by some eastern capitalists to purchase a bank, and they referred me to you for the Bank of Ypsilanti. Understanding that you owned the controlling interest of that bank, I take the earliest opportunity of advising you on the subject. If you want to sell, what are your terms, and what is the condition of the bank, and what is the amount of capital, &c.? Please advise me as soon as convenient, and give me a brief history of the matter, and if you wish to sell, and terms suit, I am

ready to purchase in trust for others, and the bank will go into responsible hands.

And sir, as I am a stranger to you, I have enclosed letters of credit from gentlemen that you probably know, which you will please return to me.

I am truly yours, in haste,

P. S. RAWSON."

On the same day I wrote in reply the following :

"Detroit, 23d Nov. 1838.

SIR : Your letter of this date is before me. I am on the point of leaving town, and therefore must answer it briefly.

I have in my name a majority of the stock of the Bank of Ypsilanti, and if other arrangements are not perfected, I am disposed to transfer it to any gentleman who can satisfy me of his disposition and ability to support it. The capital paid in is \$100,000, of which I control near 9-10. If I sell I want to receive ten per cent premium on the whole amount of stock.

As I am at present in great haste, I must beg you to excuse me for not going more into detail.

I say to you frankly, that I will, without reserve, inquire into the validity of the recommendations which you have done me the favor of enclosing, and if they are satisfactory, and the arrangement now on hand, (I refer to one contemplated with an eastern bank,) be not consummated, I will enter into a negotiation with you.

In haste, but

Very respectfully,

Your obt serv't,

T. ROMEYN."

At this time I did not know Mr. Rawson, except very slightly. A note of Mr. Rawson's for some amount, had been put into my hands the day before, as collateral security for an endorsement, but I took a guarantee from the person delivering it, and made very slight inquiries as to Mr. Rawson, and did not retain the note but a short time. As to his history and occupation, I knew nothing. The letters of recommendation which he enclosed, were of a satisfactory kind. I shall allude to these more particularly hereafter.

Before leaving Detroit, and on the above day, I saw Mr. Rawson, who told me that he was poor, but that he had been acting for some time as agent for some highly respectable men, who were desirous of engaging more extensively than they had done,

in western operations; that he had purchased large amounts of flour and wheat, and other produce in Ohio, and latterly in Michigan, and that he had experienced great difficulty from the inability and unwillingness of the banks to discount drafts for him; that some of his friends and those for whom he acted, had formed a company, and were desirous of concentrating their means in a bank, and operating through it, and that he could advance \$20,000 in *cash* towards sustaining the bank after paying for its stock. I replied that I would think over the matter and would write to him from Buffalo. Accordingly, I did write from that place, as follows:

"Buffalo, November 30, 1838.

DEAR SIR—

I wrote to you a few days since very briefly, on the subject of selling the Ypsilanti bank.

I have been for some time satisfied that the bank will not answer the purpose of those for whom it was originally purchased, by me, as its circulation must be limited to the amount of its capital stock paid in, but the Bank Commissioner has assured me that any of its notes loaned to other institutions, will be debited to it as circulation. I will make you a proposition, subject, however, to the contingency of the alteration of a contract with the bank already spoken of.

The capital stock of the Bank of Ypsilanti paid in, is \$100,000.

The circulation is about \$80,000. The bank is indebted to the City bank of Buffalo in the sum of \$10,000, for which a bill has been drawn on New York: collateral to this, the like amount of notes of the bank has been deposited. There is a farther indebtedness to the state of \$10,000, for which a bill has been drawn on Canal bank of Albany.

There are very small amounts due to depositors, and I believe no balances in favor of other banks.

I will sell stock to the amount of \$93,703 25, and surrender the entire control of the bank.

For this, and for my services in the premises, and the responsibility assumed by me, I expect ten per cent more than the par of the whole amount of stock.

I will assume the payment of all the drafts that may be made at the time of the transfer, on receiving from the bank funds sufficient to cover them.

I will take in payment all notes which may have been discounted by the bank since I assumed the control of it, and for the remainder I will take funds current in the city of Detroit. If the notes of the bank are paid to me, I will take care to give them a good circulation.

I will expect of you, that you cause the old notes of the bank

to be destroyed, and not re-issued, as I promised Mr. Tredwell (when I purchased from him,) that this should be the case. Such are the leading outlines of the principles on which I was willing to sell; and if satisfactory to you, I think we will have no difficulty on my return in consummating a bargain.

Yours, &c.

THEODORE ROMEYN."

Subsequently I wrote to Mr. Rawson, in effect, as follows: (I have not retained a copy of this letter,) that he could have the bank on the terms mentioned in my former letter, as the directors of the institution in New York, who had intended to use its notes, were willing to release me from my bargain with them, and did not wish to encumber themselves with the management of the bank, and I could not conclude an arrangement with their stockholders as individuals, for this purpose; that if he desired to take the bank, he must have his own directors selected, and all things prepared for a complete change, as I would retain no responsibility, and would give full notice of the change.

On my way home, I received at Buffalo a line from him, simply stating that he was entirely prepared.

The only persons whose names I recollected as having been mentioned to me by him as his friends in this matter, were Mr. Maynard and Mr. Gill. The former I supposed, and certainly understood, was a resident of Onondaga county, New York, the latter of Columbus, Ohio. I inquired, and was informed as to both of these, that they were exceedingly respectable men. From the examination of Mr. Rawson before you, it appeared that Mr. Maynard is a resident of Chenango county. Of this gentleman, I know nothing. My inquiries were as to a different person.

I returned home on the 24th day of December. On the 28th I transferred to Mr. Rawson and to others, according to his directions, all my stock in the bank. A scrip for about \$15,000 was not in my possession at the time, but as I considered it subject to my control, it was assigned with the rest, with full notice of the fact of its having been subjected to a temporary hypothecation.

The mode of transfer was as follows: the stock was transferred upon the books, and the old officers and directors resigned. A new board was chosen, who passed upon certain paper. Mr. Rawson then gave me in payment for my stock, an equal amount of the old discounted paper of the bank. I wish it distinctly understood, that neither myself, nor any old director, examined the

new paper offered for discount, or had in any way any thing to do with it.

You will recollect that I had taken from the bank \$25,000 of its notes. These I brought back with me. Mr. Tracy declined to receive them, or to give me up my receipt, lest the matter should be afterwards misrepresented. I accordingly gave them to Mr. Rawson, and not satisfied with taking up my receipt, I took from him an acknowledgment of the delivery to him of the whole amount, which was exhibited to you and admitted by him.

At the same time, or the next day, the directors ordered the execution of the agreement accompanying this communication, marked B, by which I assumed the payment of all the drafts of the bank. This instrument speaks for itself.

The mode of transfer was the same that was adopted when I purchased. In both cases the intention was to leave all responsibility with the new directors.

Mr. Rawson wished me to take the premium on the stock in some paper which he held. I objected as not knowing the names. He then proposed that I should take certain stocks of a third person, and after some hesitation, I acceded to this, and took them, as, at the time, there was a prospect of converting them into money.

I have now stated to you with entire frankness, all the circumstances connected with my contract for the sale of the control of the bank, and the manner in which it was carried into effect. While no one will deny my legal right to sell bank stock to any person who would pay me for it, I am ready to admit my obligation to the community to see that the control of the institution went into safe and responsible hands. I now wish you to refer to the letters of recommendation which Mr. Rawson brought to me. (Schedule A.) You will find them to be from persons of different states; you will see that they speak of him while yet a youth, and follow him down to the present time, during fifteen successive years; and that they all concur in their testimony as to his integrity and respectability. The representations which he gave of his backers in the business, were entirely satisfactory; he had with him a letter of credit for \$20,000 of money, and I submit to you, under the circumstances, if I was not entirely justifiable in treating with him. Since the transfer, he has exhibited to me a formal power of attorney from A. K. Maynard, regularly executed and authenticated, authorizing the purchase of the stock of the bank, and also of a mill.

I now come to speak of my conduct since the transfer of the bank.

It will be recollected that Mr. Hopkins declined to act as cashier. Mr. R. Lockwood had been in the bank for some time, and

I requested him to stay until matters were settled, as he was acquainted with the situation of the bank, and I had full confidence in his capacity and integrity, and, as my own liabilities on the drafts of the bank were large, I was desirous of having some one with whom I was acquainted remain there temporarily. He agreed to stay for a few days, and for a few days only.

I solemnly declare that from the time of my resignation as director, on the 28th day of December, I never intermeddled with the affairs of the bank, in any way whatever. I kept entirely aloof from it, and know nothing of its operations, except as to the amount of its redemptions, as they were mentioned to me incidentally by Mr. Lockwood and others.

The day after the assignment of the stock, I received \$5,000 in specie, which I gave to the bank, and for which I received nothing but an open credit. This specie was used by the bank in its redemptions, and I never received anything but ordinary country funds for it.

I proposed to a friend to take the order on the Buffalo city bank, for the money there deposited, and disburse it westward, where it would have a good circulation, and pay the draft due that bank. He referred it to his partner at Buffalo. Before any answer was received, I wrote again, arranging in another quarter for the payment of the draft, which has been taken up, and enclosing an order for the bills deposited in the bank; as I found that such an increase of western circulation might operate disadvantageously. I am advised that but a part of these have been circulated; the rest are on my hands.

Of the other drafts assumed by me to a large amount, all, except about \$4,000, have been provided for.

Of the discounted paper assigned to me to pay these drafts, I have only received about one hundred dollars. A small amount was taken in notes of the Bank of Ypsilanti, which are still on my hands, and about three hundred dollars were paid into the bank to my credit, where it remains, being covered by the injunction.

Of the ten thousand dollars paid to me in the notes of the bank, (also for the purpose of paying these drafts) about eight thousand dollars were paid into the Farmers' and Mechanics' bank of this city. As soon as I understood that the Bank of Ypsilanti was made the object of suspicion and remark, and that her notes were returned to her counter constantly for redemption, I went to the above bank and withdrew every dollar she had, being about four thousand dollars, which notes are still in my hands.

I loaned to a gentleman of this city five hundred dollars, which were not used by him, while the bank was in good credit, and which I am expected to take back.

To another I paid four hundred dollars, which was immediate-

ly sent home to the bank, contrary to my expectations, and there redeemed.

To another I loaned one thousand dollars, but requested him not to use it immediately, as it might prejudice the bank. He did so, and the money perished on his hands. Voluntarily I offered to return his note; so that this will be my loss.

To another I advanced five hundred dollars, and the moment I received information of the discredit of the paper, I wrote to him a note requesting the return of the money.

Except a very few hundred dollars disbursed by me in small sums, I used none of the money except as above stated.

I challenge any individual to come forward and say that I have been instrumental in extending the circulation of the notes of the bank except as above stated. Let any man who has received them from me answer.

The result of the whole is, that of the ten thousand dollars paid to me, *more than one half* perished on my hands.

I now come to speak of my conduct while the bank was making its last effort.

Mr. Lockwood brought to me a note for ten thousand dollars, that had been discounted at the bank, and wished me to procure its rediscount. I was satisfied this was impossible, but told him I would make the effort. The only thing which I could do, was to exchange, temporarily, notes of the Bank of Ypsilanti, to the amount of five thousand dollars, for other money; which I did, by pledging my own private property and individual credit for the return of the sum advanced. All this went to the Bank of Ypsilanti, and all that I hold for it is the like amount of their own depreciated paper, and the ten thousand dollar note above mentioned.

I also went to the Bank of Michigan, and left with her teller two hundred and fifty dollars, to redeem what Ypsilanti money might be offered at her counter. This amount is also on my hands.

I was induced to make the last exertion for the bank, because I had a direct interest in sustaining her credit, not only from my recent connection with her, but from the amount of her money in my hands. I did it in good faith, urged to it by her officers, and assured by them, that a large amount of Ohio and other funds were daily expected. I did it, after unfavorable rumors had come to my ears, and against the advice of friends. The result of the whole is, that I have never circulated but a small amount of the notes of the bank; that at my own risk, I prevented their circulation in numerous instances, thereby incurring loss myself; and that I have supplied her with exchanges from my own resources, and to my own disadvantage, to nearly the amount of all that I have used. If the notes of the bank are worthless, then

I am a direct loser to the amount of thousands by my connection with her.

You have now a statement of all my connexions with the Bank of Ypsilanti, and I am sure that you will do me the justice to say that it is in every respect confirmed by all the testimony, oral and written, which has been elicited on this subject.

It only remains that I speak of what I have said and done *publicly* in this matter.

Before I assumed the control of the bank, I mentioned to yourself that I had it in contemplation, and did the same to Mr. Pritchette.

So soon as it had passed into my hands, I wrote to you, advising you of the fact, that I alone was responsible for its management

I gave the same information to all the Detroit banks.

Immediately upon my return, I announced to all who spoke to me on the subject, my intention of relinquishing the management of the bank.

When I had done so, I advised the Detroit banks of it, and all the agents and correspondents of the bank were advised of it, and every thing was done to give full publicity to the matter.

So soon as I heard of unfavorable rumors concerning the bank, I advised the Bank Commissioner of them. Yourself was absent, and I spoke to Mr. Bell and requested him to go and examine its affairs. He declined, as it was out of his district. I went myself to the Attorney General, and asked him to attend.* The examination was finally made by you and Mr. Morey. Yourself can say whether I did not do every thing in my power to aid it.

Before concluding this communication, I wish to say one word about an individual whose name has been connected with the Bank of Ypsilanti. I refer to Mr. Lewis Godard. While I was interested in the bank, Mr. G. had nothing to do with it, directly or indirectly. He is interested in a valuable property in the village of Ypsilanti, and had just finished a large flouring mill. I promised him all such accommodations as he would be entitled to from the nature of his business, but nothing more; and even this was not granted to him. Except in the Detroit city bank, I never held a dollar of stock in any bank in which he was interested, until a few weeks ago. In the Bank of Ypsilanti he never, to my knowledge, has had any interest. Of his agency for the bank, since I went from it, I knew nothing until the matter was detailed to us by Mr. Lockwood and Mr. Rawson.

I have now given, as fully and particularly as I could, a statement of all affairs which connect me with the Bank of Ypsilanti,

*Not until the day after the bank stopped payment.

yourself can bear witness to the fact, that they are corroborated by every entry in the books of the bank, and by all collateral and extrinsic testimony. They go to show,

1st. That the control of the Bank of Ypsilanti was purchased by me in good faith, and in an open and honorable manner.

2d. That while I held the control, its affairs were conducted fairly and prudently.

3d. That my transfer of it was bona fide and absolute, and justified by circumstances.

4th. That since its transfer, I have been entirely disconnected with it, and am in no way responsible for its present condition.

5th. That I have in no manner aided in expanding its circulation, but have so managed for the safety of the public and the benefit of the bank, as to be myself a loser.

6th. That nothing has been done covertly, or under the rose; but full publicity has always been given by me to every act connected with it.

7th. That I have invited and aided the investigation of the whole affair.

In conclusion, I have to ask of you that you will excuse me for sending you such a long communication, and one entering so much into details. It is due to myself and to the public that frauds, if any, should be traced home, and that blame should attach where it belongs.

THEODORE ROMEYN.

STATE OF MICHIGAN, }
Wayne County. } ss.

On this 30th January, 1839, personally appeared before me, Theodore Romeyn, who being duly sworn, made oath that the matters and things set forth in the foregoing communication to Alpheus Felch, Bank Commissioner, &c. are true, to the best of his knowledge and belief.

I. S. ROWLAND,
Not. Pub., W. C., M.

(B.)

STATE OF MICHIGAN, }
County of Wayne, } ss.

Spencer Kellogg, of the city of Utica, in the county of Oneida, and state of New York, being duly sworn, says, that he is a director in the Bank of Central New York, at Utica aforesaid. In September last, an agreement was entered into between said Bank of Central New York and Theodore Romeyn, that the latter should furnish notes of the Bank of Ypsilanti to the amount of \$100,000, to the Bank of Central New York, which notes should

be endorsed payable at the latter bank, and should be redeemed by it, for which certain advances were to be made to said Bank of Ypsilanti. In pursuance of this agreement, a formal contract was entered into between the parties some time in October last, and the Bank of Central New York proceeded to make arrangements for the procuring of a plate for notes of the Bank of Ypsilanti, payable at its own office, and made some advances to the said Bank of Ypsilanti.

That, in December last, said Romeyn visited Utica a second time, and mentioned that difficulties had arisen in carrying out the contemplated arrangement; whereupon, and after consultation and deliberation, the original agreement was abandoned, and said Romeyn advised the president of the Bank of Central New York, as deponent was told by said president, of his intention of transferring to others all his interest in said bank of Ypsilanti.

Deponent further says, that the arrangement between said banks as aforesaid was actually entered into as above, and that the whole was in good faith, and that deponent has no doubt but that it would have been carried out but for difficulties that were not foreseen at the time of making said contract or agreement. Said Romeyn is now a stockholder in said Bank of Central New York, and this deponent believes that in all respects in the transactions aforesaid, said Romeyn's conduct was fair, frank and honorable.

SPENCER KELLOGG.

Sworn to and subscribed before me in the city of Detroit, this 18th day of February, A. D. 1839.

CHAS. HENRY STEWART.

Not. Public, W. C.

(C.)

Detroit, March 26, 1839.

In committee of investigation, T. Romeyn sworn, saith:—Mr. Jaudon was to have, if the arrangements had been carried out as proposed by the Bank of Central New York, twenty or twenty-five thousand dollars of stock; however, as they never were consummated, witness thinks no stock was transferred; there might have been an amount transferred to him, and thinks upon second thought the amount was so transferred, as witness re-transferred it, according to a power of attorney given to witness, on file among the papers of the bank. The indebtedness of the Bank of Ypsilanti to the Central bank of New-York has been cancelled, and they are no longer holden for it. Never saw the stock notes put in by Rawson until he went to the examination with Felch, the Bank Commissioner. Witness says that the rumor in circu-

lation respecting Rawson's writing witness, requesting him to pay him for swearing false, &c. &c. is unqualifiedly false, without the least shadow of foundation. Witness avers that he had no interest whatever in, or control over, the Ypsilanti bank since the 29th December, except an earnest desire that the institution might be sustained, and he exerted himself to help sustain it. Rawson, when he proposed to purchase, stated to witness that he was authorized to do so by Maynard and Colter—witness saw his powers of attorney after the bank stopped; witness also saw some notes of Maynard in hands of Rawson, who told witness that they were not to be used if there were enough of other notes.

T. ROMEYN.

(D.)

STATE OF MICHIGAN, }
County of Washtenaw, } ss.

Philo S. Rawson being duly sworn on oath, says that he is a director of the Bank of Ypsilanti, and on Saturday last, was appointed by the board of directors, cashier pro tem.

Deponent saith that he became a stockholder in said bank on the 28th day of last December, and has also since that time acted as the agent of A. K. Maynard, John Colter, Charles Barnard, A. F. Carr, S. S. Phelps, R. F. Field, Abram Van Camp and H. Gill, who are also stockholders. Deponent purchased the stock held by the individuals above named, on the day above mentioned, of Theodore Romeyn. The above mentioned individuals now own a majority of the stock of the bank. The object of purchasing the controlling stock of the bank was to obtain facilities in the purchase of wheat, and in the provision business. The purchase was made by deponent as the agent of the above named individuals. Deponent had had correspondence with some of these individuals relative to the purchase of the stock of a Michigan bank, without naming any particular bank. A bonus of ten thousand dollars was paid to Mr. Romeyn by deponent, which, added to the amount paid in on the stock so transferred, made the sum of one hundred and eight thousand dollars to be paid to Mr. Romeyn. For the purpose of paying the amount, deponent received promissory notes, a list of which is hereunto annexed, marked A. They were received by letter from said Maynard and Colter. When Mr. Romeyn made the transfer of the stock, new directors were chosen and sworn into office. The notes mentioned in the list annexed, were presented to the new board, who ordered them to be received and substituted instead of other paper then in the bank. This was done, and the paper so received was given up by deponent to said Romeyn, for the amount of ninety-

eight thousand dollars aforesaid. The bonus of ten thousand dollars was paid by giving a note to a third person, who, in consideration of the same, paid the amount to Mr. Romeyn.

Deponent also had directions by letter from Maynard and Colter, to draw on the Owego bank and the Steuben bank for twenty thousand dollars, and after the purchase of the bank stock as above recited, he made drafts to that amount and deposited them in the Bank of Ypsilanti. They were passed to deponent's credit as agent for the stockholders.

Deponent does not know the signers of the paper mentioned in the annexed schedule, but was informed by Messrs. Colter and Maynard that they were responsible men, and the paper good. None of the directors who allowed the paper to be substituted as above mentioned, knew the signers or endorsers.

Deponent says that he was made a director of said bank on the 25th day of December last. A vote was passed by the directors, that the old paper of the bank returned from circulation should be destroyed, and new notes executed to supply their place.

Bills to the amount of \$25,000 were destroyed by this deponent, under the order of the board, and new notes of the bank to the amount of fifty thousand dollars were executed, being signed by R. Lockwood, as cashier, and by John Griswold, as president. Of the bills thus signed, thirty thousand dollars or more were issued from the bank. Ten thousand dollars were received by John Griswold for exchange purposes. There was also paid out on discounted paper as follows:

Three notes signed James M. Graham, endorsed
by A. A. Reed and F. Blake,

\$30,000

Geo. B. Harleston's draft accepted by A. G. Ogden, 1,300

A short time before the above mentioned notes were discounted, this deponent applied to Mark Hopkins and Lewis Godard to see if some arrangement could be made by advancing bills of this bank, to obtain the means of redeeming such of its circulation as might be brought in. Hopkins and Godard went the next day to Toledo and Maumee to make an arrangement for that purpose. They returned with the paper above mentioned, and said that they had made an arrangement, and that if the bank would discount the paper above mentioned, the bills of the Bank of Ypsilanti issued for that purpose, would be protected and kept in circulation in Ohio, and that this bank would immediately be furnished with Ohio and eastern funds and specie to one-half the amount. The notes for discount were left at the bank by Mr. Godard or Mr. Griswold. The amount, less the discount, in bills of the Bank of Ypsilanti, was taken by deponent into Detroit and delivered to said Hopkins and Godard, on the 29th inst. They were to go to Toledo and Maumee, and return with funds as

above mentioned. They have not yet returned, having been detained, as deponent is informed, by the absence of the person who was to furnish the funds, and no such funds have been furnished. The bills of the Bank of Ypsilanti above mentioned, were not to be put in circulation unless funds to half the amount were received as above stated. Deponent further says, that said Godard has not received any bills of this bank, to the knowledge of this deponent, other than above mentioned, and that said Godard had no right to use any portion of the bills thus put into his hands.

Deponent says that he made an arrangement about the first of December last with said Godard, by which he paid through him the bonus of ten thousand dollars to Mr. Romeyn, the amount of which was paid to said Godard in means furnished by the new stockholders. This arrangement was first proposed to Mr. Romeyn, and carried into effect about the last of December.

Deponent further says, that on the 29th day of December last, he received twenty thousand dollars in bills of the bank, and gave a receipt for forty-five thousand dollars, including therein a receipt for bills of the bank of twenty-five thousand dollars, given previously by Mr. Romeyn. This amount has since been returned by Mr. Romeyn and endorsed on deponent's receipt above mentioned.

Mr. Romeyn has no control or direction of the bank, and has not, since the sale from him, interfered at all in its affairs. Said sale from him was bona fide and in good faith.

Lewis Godard was to be paid for his services in effecting the arrangement above mentioned, and was not to have the use of any part of the money.

Deponent had letters authorizing him to act as agent for the above named Maynard, Van Camp and Colter, but had nothing from the other new stockholders, authorizing him so to act, nor had they ever requested him to buy the stock for them. Their names were given deponent by said Maynard and Colter.

P. S. RAWSON.

Subscribed and sworn to before me, this 24th day of January, A. D. 1839.

A. FELCH, *Bank Com-*

(E.)

Arba K. Maynard of Chenango county, N. Y. being sworn, saith:—he authorized Mr. Rawson by a formal power of attorney, a copy of which is hereunto annexed, to buy an institution for him, and furnished him witness' paper to the amount of thirty thousand dollars for that purpose. Understood from him that he

had bought the Ypsilanti bank for witness and others, in pursuance of his authority ; Rawson did not notify him by letter of the amount of stock purchased for witness. Saw Rawson in Lockport, about the fifth of February last, who there informed witness that he had purchased the majority of stock for witness ; the thirty thousand dollars consisted of two notes, one for \$10,000, at 6 months, as witness best recollects, and the other for \$20,000, at 12 months, payable at an eastern bank. Witness' power authorized Rawson to buy and take charge of an institution, but nothing more than to buy, as witness intended ; it was a formal power of attorney, in the usual words, and might be construed to extend to greater power ; has a copy of the power and produces it in this examination, dated 5th day of January, 1839, (thirty-nine,) witness' paper to Rawson was furnished at the time the power of attorney was sent ; both were sent in consequence of information sent by letter to witness by mail from Rawson, stating his purchase of the Ypsilanti bank : it was mailed on or about the date of power. Rawson's next letter informed him of the purchase of the bank, and either then or subsequently, he acknowledged the receipt of the power of attorney and notes. In witness' conversation at Lockport with Rawson, he drew the conclusion that his notes had been used in some way to effect the purchase. Witness did not understand very definitely how the stock was paid for ; Rawson did not then render an account to witness, but said the books would show all ; said that the bank had been run on and had been obliged to stop ; has not here any copy of the correspondence between him and Rawson. Rawson is not acting for witness now ; his power ceased on witness' coming here ; Rawson retains the original power. Since he came here, he has done all he could to ascertain the state of the bank : after examining the report, and all else, he came to the conclusion that the best way he could manage was to resuscitate the bank. Rawson had no information from witness about any of the notes or the parties, except those which he furnished as aforesaid. Witness expected to have ten thousand dollars in each of two banks, Steuben county and Owego banks, to sustain the bank, and wrote Rawson to that effect, and to draw. In consequence of the failure of the bank, the funds were not lodged. No such notes as are mentioned in schedule A. to Commissioner's report, were sent by witness ; he knows none of the parties therein, and knows nothing of the notes. He does not know Colter in Rawson's deposition mentioned, except by report. Saw Rawson last, before the purchase, at Detroit last summer. Knew the late John Griswold, from having stopped at the American last summer ; never corresponded with him. Saw the ten stock notes one day ; does not think he knows the handwriting of any of them. He meant to have got the funds

for the twenty thousand dollars, into the eastern banks, by some financial arrangement.

ARBA K. MAYNARD.

Detroit, March 26, 1839.

Know all men by these presents, that I, Arba K. Maynard, of Sherburne, Chenango county, N. Y. have made, constituted and appointed, and by these presents do make, constitute and appoint, Philo S. Rawson, of Detroit city, my true and lawful attorney, for me, and in my name, place and stead, and for my use, to bargain for, and actually purchase, on such terms as to him shall seem proper, one of the chartered banks in the state of Michigan, my said attorney selecting such chartered bank as aforesaid as he shall deem most for my interest, I hereby giving and granting unto him, my said attorney, full power and authority in and about the premises, and generally to do and perform all and every act and thing whatsoever, requisite and necessary in the premises, as fully to all intents and purposes as I might or could do if personally present for the purposes aforesaid, and also to purchase for me as aforesaid, a first rate mill privilege for a flouring mill, either with a flouring mill erected thereon or without.

In witness whereof, I have hereunto set my hand and seal, the 5th day of January, 1839.

(Copy.)

ARBA K. MAYNARD.

In presence of

S. W. CORBIN.

(No. 44.)

Report of the joint select committee to investigate the negotiation of the Five Million Loan.

The select committee appointed by the House of Representatives, in conjunction with a like committee appointed on the part of the Senate, acting under the following resolutions, to wit:

Resolved, That so much of the Governor's message as relates to state loans be referred to a special committee of seven members, with power to send for persons and papers.

Resolved, That so much of the Governor's message as requests a committee of investigation to inquire into the manner of the negotiation of the \$5,000,000 state loan, be referred to a select committee of seven, to be composed of one from each senatorial district, to be appointed by the president of the Senate, with power to send for persons and papers, to fully investigate the same, and to report their proceedings therein to the Senate.

Resolved, (the Honorable Senate concurring.) That the select committees of the Senate and House of Representatives upon the subject of the \$5,000,000 loan, be a joint committee for the purposes and with the powers as conferred upon said committees, by the respective resolutions under which the said committees were appointed.

Having discharged the arduous and responsible duties assigned them, beg leave to submit the following report:

That by an act of the legislature, approved March 21st, 1837, the Governor was authorized and directed to negotiate a loan not exceeding in the whole, \$5,000,000, at an interest not exceeding five and a half per centum per annum, redeemable at the pleasure of the state, at any time after the expiration of 25 years from the first day of January, eighteen hundred and thirty-eight, on the best and most favorable terms, that could, in his judgment, be obtained, provided the certificates of stock or bonds, which in effecting said loan it became necessary for him to issue, should not be sold less than their par value. Under this act, a discretion was vested in the Governor, by which he was authorized to make such arrangements, contracts and agreements, in behalf of the people of this state, as in his judgment would secure the payment and safe transmission of the moneys as should arise from the sale of said bonds or certificates. All expenses incurred by the Governor in carrying out the provisions of the act, were provided for, to be paid out of the fund for internal improvement.

At the suggestion of a capitalist in the city of New York through whom Governor Mason had unsuccessfully endeavored to negotiate the loan, and who recommended certain alterations in the act, by which the interest should be increased to 6 per cent per annum, and that both principal and interest should be made payable either in the United States or Europe, as should be deemed most advantageous; by an act of the legislature, approved November 15, 1837, these amendments were adopted.

These two acts contain all the legislation upon the subject. At the instance of the person alluded to, J. Delafield, Esq., of New York, an attempt was made to sell in London, bonds of the state, to the amount of three hundred thousand dollars, but the efforts to accomplish this object by Mr. King, of the house of Prime, Ward and King, were unsuccessful. In the mean time, in anticipation of the sale of these bonds in London, it was agreed between Governor Mason and Mr. Delafield, that the latter should advance to the state one hundred and fifty thousand dollars, which amount, upon the drafts of Governor Mason, was paid. Without any stipulation which would warrant it, and contrary to the expectations of Governor Mason, these drafts were met by bills of exchange on London, and a necessity arose of remitting funds to that city to meet these bills, or suffer the drafts to be protested, and which were returned dishonored.

Bonds to the amount of five hundred thousand dollars were sold to Oliver Newberry, Esq., at a premium of six per centum. Upon this contract two hundred thousand dollars and the premium of six per cent were paid, and the remaining bonds of three hundred thousand dollars were returned by Mr. Newberry. In May, eighteen hundred and thirty-eight, a contract was entered into between Governor Mason and E. R. Biddle, Esq., of Jersey City, for the sale of the entire amount of the state loan to be taken at a par valuation, and the sum of eighty thousand dollars advanced to the state upon this contract, but it was subsequently vacated by the inability of the parties to meet the payments.

On the first day of June following, a contract was entered into in the city of New York, between Governor Mason and the Morris canal and banking company; for terms and conditions, reference is had to the contract herewith appended, marked (A.) Upon this contract the state have received up to this time, the sum of one million one hundred thousand dollars. Bonds to the full amount of the loan have been executed and deposited in the Bank of the State of New York, \$300,000 of which, by a subsequent agreement, have been delivered to the Bank of the United States of the State of Pennsylvania, and the obligation of that institution for the payment of that sum to the state in instalments, conforming with the contract with the Morris canal and banking com-

pany. The expenses incurred in negotiating the loan, are as follows:

Governor Mason's personal expenses to New York twice,	\$927 00
Postage on bonds and expenses of special messenger to convey the same to New York,	325 00
Jno. Delafield's account for printing, &c.	639 00
Two and a half per cent commission to Morris canal company,	125,000 00
Prime, Ward and King's account,	8,963 30
	<hr/>
	\$135,854 30

To which is to be added an unsettled account for the printing of bonds in the city of New York.

The act authorizing the \$5,000,000 loan was imperative in its directions and simple in its detail. It prescribed the manner and condition upon which the faith of the state should be pledged, and it fixed a value below which its stock should not be sold. Your committee refer to the memorandum and quotations of stocks appended to the testimony of Gov. Mason, as well as the testimony itself, which is, with the interrogatories propounded by the committee, herewith submitted as a part of this report, marked (B.) Your committee does not inquire if the compensation stipulated to be paid to the Morris canal and banking company was exorbitant; nor whether a sale of the bonds could have been made on more advantageous terms; they refer to the act of the legislature as their only rule of action.

The committee do not discover the necessity or the authority by which drafts were substituted for the notes of the Morris canal and banking company, reference being had to the supplemental contract herewith appended, and the payment in lieu thereof in funds of the various banks of Michigan.

In the transmission of a portion of the funds received from the Morris canal and banking company, a circumstance occurred which, if consistent with their duty, your committee would veil in oblivion, not that they would countenance crime or shelter infamy. In June last, Gov. Mason received from the office of the Morris canal and banking company, their notes, to the amount of \$110,397 as due and to fall due from that company under the contract he had just made.

This sum was placed in a trunk procured for the purpose, and under the superintendence of Gov. Mason, was brought to Detroit. Upon his arrival the State Treasurer executed to Governor Mason a receipt for the entire amount, counting only a package of \$10,397 70. The trunk with the entire sum was then deposited by the Treasurer in the vaults of the Michigan state bank.

Subsequently the money was counted, and a deficiency was discovered of \$4,630. Gov. Mason immediately advised the Morris canal and banking company of the deficit, and on the same day that his letter reached the bank, the amount of the deficiency (excepting the sum of \$50) was received by the bank through the post office in the city of New York. Your committee, for the purpose of arriving at all the facts connected with the negotiation and transmission of the funds to the state, called before them again Gov. Mason, and propounded to him the accompanying interrogatories, and received the annexed answers herewith appended, marked (C.) Theodore Romeyn, who accompanied Gov. Mason, from New York, was also called before your committee, and the interrogatories and answers marked (D.) are likewise appended.

The committee beg leave respectfully to state, that after a full examination of the laws, documents and correspondence connected with the negotiation, their attention was directed to the abstraction of the funds, and for this purpose called many witnesses before them, and have accumulated a large mass of testimony, much of which is irrelevant, and nothing which would tend to identify the person guilty of the foul transaction before a judicial tribunal. It sleeps in the bosom of him who perpetrated the crime. It is due to Gov. Mason and to the public to say, that no imputation whatever rests upon him.

The journal of the proceedings of the committee, together with the testimony taken before them is herewith submitted, (except such as is appended to this report) and from its voluminousness and irrelevancy, your committee recommend dispensing with its publication, but that it be placed with the papers of this legislature.

All which is respectfully submitted.

DOCUMENTS.

(A.)

Correspondence, &c. relating to the negotiation of the \$5,000,000 loan.

Contract with the Morris Canal and Banking Company.

Articles of agreement entered into this first day of June, in the year of our Lord eighteen hundred and thirty eight, between the people of the state of Michigan, by Stevens Thompson Mason, Governor of the said state of Michigan, acting in behalf of the people and under the authority of the state aforesaid, of the first part, and the Morris canal and banking company, a body politic

and corporate, for themselves and their successors, of the second part.

It is agreed between the parties as above mentioned, as follows :

First. The parties of the first part have contracted with and employed and do hereby contract with and employ, the parties of the second part as agents to sell the bonds issued and to be issued by the state of Michigan, by virtue of the act of the legislature of said state, entitled "An act authorizing a loan of a sum of money not exceeding five millions of dollars," approved the twenty-first day of March, eighteen hundred and thirty-seven, and an act supplementary thereto, approved the fifteenth day of November, eighteen hundred and thirty-seven, also an act entitled "An act authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall railroad company," and an act entitled "An act authorizing a loan of a sum not exceeding one hundred thousand dollars for the benefit of the Ypsilanti and Tecumseh railroad company," the two latter approved on the sixth day of April, eighteen hundred and thirty-eight, bearing interest at the rate of six per cent per annum, payable semi-annually, the principal and interest to be made payable in the city of New York, and in the lawful money of the United States, and redeemed at any time after the years eighteen hundred and fifty-nine and eighteen hundred and sixty three, as provided for by the aforesaid acts of the legislature of the said state, to be sold by the said agents, the parties of the second part, at such times and in such parcels, and either in this country or in Europe, as they may deem advisable and for the best interest of those concerned therein. And the parties of the first part shall allow to the parties of the second part, for their agency and services in the premises, and in consideration thereof, a commission of two and a half per cent on the proceeds of sales, which is also to be in lieu of all other expenses that may be incurred in the negotiation and sale of said bonds, and to be by said agents deducted from the proceeds of said sales.

Second. The parties of the second part shall have and deposit the proceeds of said sales, and of any benefit to be derived from the difference of exchange, in case the principal or any part thereof shall be contracted for and received in Europe, in the city of New York, ready to be there delivered to the parties of the first part, or to such person or persons as may be duly authorized to receive the same, and they the parties of the second part, hereby guaranty the safe transmission thereof to the city of New York, in case the sales be made and payable elsewhere, and they the parties of the second part further guaranty and agree, that in case the sales of the said bonds shall be so negotiated as that the whole proceeds of such sales, and of the benefit of the exchange as above

mentioned, if any, shall not equal the par value of the aggregate amount of the bonds sold, they the parties of the second part shall make up the deficiency, viz: they shall and will allow and pay to the parties of the first part, or such person or persons as may be duly authorized to receive the same, in addition to such proceeds, the difference between the said proceeds and the par value of said bonds, after deducting their commissions as aforesaid on the par value, which is to be allowed them; and in case the sums realized on the sale of the said bonds shall amount to par, the parties of the second part shall allow and pay such proceeds in the city of New York as aforesaid, after deducting their commissions as aforesaid, and the parties of the second part shall and will advance and pay such proceeds in the city of New York as aforesaid, after deducting their commissions as aforesaid, at the times hereinafter mentioned, viz: two hundred and fifty thousand dollars to be paid and advanced in cash on the execution of this contract; one million and fifty thousand dollars as may be required by the parties of the first part or on their behalf, the same being subject to their order; and the residue of such of the proceeds as are to be paid over under this contract, shall be paid quarterly, in sums of two hundred and fifty thousand dollars each, the first payment thereof to be made on the first day of July, in the year of our Lord eighteen hundred and thirty-nine, until the whole of such proceeds shall have been paid, whether the said parties of the second part shall be in funds from the proceeds of such sales to meet the instalments or otherwise. And in consideration of the above guaranty and stipulations in this clause mentioned, it is further agreed that whatever sum may be realized on the sale of the aforesaid bonds over and above the par value, such excess, to the amount of five per cent and under, shall be equally divided between the parties hereto. The parties of the second part to retain their half thereof, and all beyond the said five per cent shall be retained by the parties of the second part. The portions of such excess so to be retained by them to be in addition to their commission of two and a half per cent on the par value of the whole five millions as aforesaid.

Third. The said bonds shall be drawn in such sums, in such forms, and be delivered to the parties of the second part at such times as may be desired by them prior to the instalments becoming due; the same to be prepared, nevertheless, conformably with the laws authorizing the issuing thereof.

Fourth. One million three hundred thousand dollars of said bonds are to be delivered to the said parties of the second part on the execution of this contract, and such further delivery of the bonds is from time to time to be made to the said parties of the second part, as always to put them in possession of one million of dollars in bonds in advance of the payment by them actually made

to the said parties of the first part, or the person or persons authorized to receive the same.

Fifth. The said parties of the second part are to have the option of paying over in the city of New York, the balance of five millions of dollars, deducting thereout their commission of two and a half per cent., or any part of such balance, and receiving the residue of the bonds of five millions of dollars, on thirty days' notice, to be given in writing to the Governor for the time being of the state; and whatever may remain to be paid, if any, shall be paid over by the parties of the second part, in the city of New York, as soon thereafter as the whole bonds can be disposed of and realized and the account closed.

Sixth. It is further agreed that all and singular, the bonds of five millions of dollars above mentioned, are to be delivered to the parties of the second part at their banking house in Jersey city, in the state of New Jersey. And it is further agreed and understood, in consideration of the premises and more particularly of the above guarantees entered into by the parties of the second part, that this agency shall be irrevocable, and shall continue in full force until all the services and stipulations herein mentioned shall be fully performed and consummated.

In witness whereof, His Excellency the Governor of the said state, in the name and in behalf of the people of the said state of Michigan, has hereunto set his hand and affixed his seal, and the parties of the second part have caused their corporate seal to be hereunto affixed and attested by their vice-president and cashier, the day and year first above written.

STEVENS T. MASON, [L. S.]

The Morris Canal and Banking Company,

By E. R. BIDDLE, Vice-President, [L. S.]

In presence of

CH. B. BURCH,

WALTER BETTS, jr.

Attest: ISAAC GIBSON, Cashier.

Supplementary agreement relative to Internal Improvement Loan.

Memorandum of an agreement made and entered into this 4th day of June, A. D. 1838, by Stevens T. Mason, Governor of the state of Michigan, with the Morris canal and banking company.

Whereas, the said Morris canal and banking company have passed to the credit of the said Stevens T. Mason, the sum of one million three hundred thousand dollars, for an amount of Michigan six per cent bonds equal at par to that sum:

Now, in consideration of such payment as aforesaid, the said

Stevens T. Mason does hereby agree to receive said sum of one million three hundred thousand dollars, in the notes of the Morris canal and banking company, and to disburse them so far as the exigencies of the state of Michigan may allow, as follows, to wit: two hundred and fifty thousand dollars on or about first day of August next; one hundred thousand dollars on or about the first day of September next, and one hundred thousand dollars on the first days of each of the ensuing months.

In witness whereof, the said Stevens T. Mason has hereunto set his hand and seal, the day and year first above written.

STEVENS T. MASON. [L. s.]

Morris Canal Company's agreement for ninety day drafts.

Whereas, the Morris canal and banking company, have contracted with the honorable S. T. Mason, Governor of the state of Michigan, to sell the bonds of said state, and have a commission for said agency, as stipulated in a contract bearing date the first day of June, 1838.

And whereas, it was agreed and understood between the parties that the Morris canal and banking company, should pay certain sums of money on account of sale of said bonds, on first day of August next, also on first day of September, October, November, December, January, February, March and April following.

And whereas, it is represented by John Norton, jr. Esq., cashier of State Bank of Michigan, fiscal agent of said state, and acting in behalf of Governor Mason, with his full power, that it will better promote the interest of the state and internal improvement fund, to transfer money to be received on account of above payments, to the treasurer of said state, by drawing bills from Detroit to New York, to be accepted by Morris canal and banking company, than to transfer the amount from New York to Michigan, as was intended to be done, (when contract was executed) in bank bills.

It is hereby mutually agreed and understood, by and between the Morris canal and banking company and said John Norton, junior, acting in behalf of said Governor Mason, that said John Norton, shall draw bills from Detroit on the Morris canal and banking company, payable at an average of not less than ninety days, after aforesaid instalments severally become due and payable.

And it is further agreed by the parties to these presents, that said bills, when drawn in conformity with foregoing stipulations, and by authority of Governor Mason, shall be accepted and paid by Morris canal and banking company.

And it is further agreed by said Norton, that in consideration of these presents, and especially in consideration of said Morris canal and banking company accepting when presented, and paying said bills when due, for amount of each instalment, they shall be considered and received as payment in full for the several instalments, in the same manner as though each payment was made in cash, on the day they are understood to be due, by the original understanding and agreement.

JOHN NORTON, Junior,
E. R. BIDDLE, Vice-Pres't
of Morris canal and banking company.

New York, 14th July, 1838.

In presence of

M. GRISWOLD.

S. T. Mason to E. R. Biddle, Nov. 3, 1838.

New York, November 3, 1838.

DEAR SIR—The approaching session of our state legislature requires that I should be prepared to present the state of the agency of the Morris canal and banking company for the negotiation of \$5,000,000 under my contract of May last. You will, therefore, oblige me, by furnishing a full statement of the sale of bonds up to this date by your company; and at the same time I should be pleased to receive such general suggestions on the subject, to be presented to the legislature, as would be calculated to promote the measure entrusted to your care.

I am, respectfully,

(Signed.)

S. T. MASON.

E. R. BIDDLE, Esq. Vice-Pres't, &c.

E. R. Biddle's Report, Nov. 10, 1838.

Office of the Morris Canal and Banking Co., }
Nov. 10, 1838.

SIR—I have received yours of the 3d inst. requesting a statement and report of the condition of the bonds negotiated by this company as agents of the state of Michigan, which will meet due attention.

Before rendering it, however, I deem it proper to say, that the recent advices from London place the condition and prospects of American securities in such a light as to render it very desirable

to close the sale of the balance of your bonds, if to be accomplished within the limits fixed by our contract under date of first of June last.

It is now in the power of this company to do so and to pass the whole amount to the credit of the state of Michigan at par, less our commission of two and a half per cent, (which the contract authorizes us to do,) provided you will consent to deliver the residue of the bonds immediately and take the obligation of the Bank of the United States in Pennsylvania to pay three-fourths, and of this company to pay the remaining one-fourth of the aggregate amount, at the several periods when by the original contract they shall respectively become due.

An interest account will be kept and the state of Michigan will be credited with interest by both institutions at six per cent per annum from the date of the earliest coupon, which it is proposed shall be of the first of January next, up to the maturity of the instalments which shall respectively become due, and which instalments are to be drawn for on this institution under their respective dates by the Treasurer of the State of Michigan, at thirty days sight.

To enable us to carry out this measure, I must ask your prompt reply to this proposal, and, if it meets your approval, that you will order the whole of the bonds to be sent from Detroit by a special messenger without delay.

I remain, respectfully,

Your ob't serv't,

E. R. BIDDLE, V. P.

His Excellency,

STEVENS T. MASON,

Gov. State of Michigan.

E. R. Biddle to S. T. Mason, Nov. 15, 1838.

*Office of the Morris Canal and Banking Company, }
Nov. 15, 1838.*

To His Excellency,

STEVENS T. MASON,

Governor of the State of Michigan,

DEAR SIR—We received your favor of the 12th inst. in relation to making the sales of, and the deliveries of the six per cent bonds of your state, as proposed in our communication to you of the 10th inst.

After consulting with those co-interested with us in the con-

tract and agency made with you on behalf of your state, we have come to the conclusion that as we see no prospect of benefiting you by declining the offer now made to us, we conform to your views as now expressed to us, viz :

"Can a better sale than the one proposed be effected, and would it be advisable or expedient to let the opportunity now presented pass?"

We have, therefore, closed with the party making the proffer to purchase the whole of the unsold balance of your stock at par, upon the terms mentioned in our letter of the 10th instant.

When we first assumed this agency, considering the large amount of the undertaking and the importance of dividing the risk and combining larger influence in bringing it favorably into the European market, we invited several respectable individuals and institutions to unite with us. These parties have now consented to become purchasers of the portion held by them at par, and thereby enables us to report to you the entire close of your stock at that rate, less our commission.

We are free to confess that the recent advices from Europe of the great and unexpected accumulation of American securities offered at low rates, and the fact that some of the most undoubted state stock have been urged upon that market by banking-houses whose connexion with this country had led us to expect a different course, have inspired no little apprehension of unpleasant results, and have caused us for some time past to feel that the commission stipulated for, forms but an inadequate compensation for continuing the risk of the foreign market.

In corroboration of these views, it is in our power to state that Charles Butler, Esq. of this city, whose reputation is known to you, and who is now in London, having in his charge the interests of one of the institutions concerned in the contract, writes, under date of the 26th October, most discouragingly as to the prospects of a favorable result to the Michigan bonds held by Messrs. Rothschilds, and of the apparent want of confidence in these securities. Other banking-houses of the highest respectability in London, give a very gloomy aspect to the feeling in regard to American securities, and the Great Western has actually brought back a large quantity of Arkansas bonds, payable in London, from utter inability to realize except at immense sacrifice.

In addition to all this, sterling six per cent Alabama bonds have recently been sold in this city at 103, and more are offered at the same rate, which would reduce the value of your bonds, (being payable in this country,) to about 92.

Added to this, it is no small inducement for closing this sale, that by so doing we bring to the aid of your state all the influence which can be derived from the capital of the Bank of the

United States, and the benefit of which may be experienced in the future financial transactions of Michigan.

I remain, with great respect,

Your ob't serv't,

E. R. BIDDLE, V. P.

Extract of a letter of Charles Butler, Esq., dated London, 26th October, 1838, above referred to.

"I have seen the Messrs. Rothschilds several times within a few days on the subject of the Michigan bonds, and find they have done nothing, nor do I find them any more favorably inclined towards them. I have said what I could to inspire them with confidence, and have urged them to hold on to the bonds until the period of disposition was more favorable."

Treasurer's Account, ending December, 1838.

State of Michigan.

In the following accounts with H. Howard, Treasurer.

Dr.

To the following:

For cash on hand,	\$735,072 60
For balance due the Treasurer on general account, by own drafts on Michigan state bank,	7,980 74
	<hr/>
	\$742,979 34

Cr.

By the following balances, viz:

To credit of contingent fund,	\$1,023 16
University fund,	261 71
Sinking do	85,821 06
Internal improvement do	595,873 41
Allegan and Marshall railroad fund,	60,000 00
	<hr/>
	\$742,979 34

H. HOWARD, Treasurer.

STATE TREASURER'S OFFICE, }
Detroit, Dec. 23, 1838. }

S. T. Mason to E. R. Biddle, November 11, 1838.

New York, November 11, 1838.

SIR—Your favor of the 10th inst. communicating to me a proposition for the sale of the Michigan state bonds under the agency of the Morris canal and banking company, has been duly received.

It is with regret I perceive that the state of the European market is such as to render the sale of the Michigan bonds a matter of hazard and doubt. My expectation under the contract with your institution was, to realize at least par on the stock, and it is with extreme disappointment that I have presented to me the probability of losing the two and a half per cent. commission which covers your charges. I still cling to the hope that an immediate sale may not be imperatively necessary. But as the negotiation of this loan has been a most thankless and perplexing undertaking on my part, I feel unwilling to advise you in the premises.

The contract gives you a free agency to act as the interests of the state of Michigan may require. The questions to determine are, can a better sale than the one proposed be effected, and would it be advisable or expedient to let the opportunity now presented pass? All this you must take the responsibility of determining. To the details of the proposition I have no objection, and only hope that you will be driven to an immediate sale under a proper regard to the interests of the state you represent.

I have the honor to be

Your obedient servant,

S. T. MASON.

E. R. BIDDLE, Esq. *Vice-President, &c.*

Moneys received on account of Internal Improvement fund.

Statement of moneys received on account of sale of Michigan State Bonds to the Morris canal and banking company, as follows:

1838.

Jan.	7.	Gov. Mason's two drafts on John Delafield, Esq.	\$90,000 00 60,000 00	
				\$150,000 00
	3.	Oliver Newberry on his contract,	30,000 00	
Feb.	6.	do do	81,000 00	
24.		do do	50,000 00	
		Carried forward,	\$	\$

		Brought forward,	\$	\$	
Sep. 19.	do	do	39,000	00	
					200,000 00
July 11.	Deposited in New York by Gov. Mason to the credit of the Michigan state bank,				80,000 00
Aug. 1.	Gov. Mason's sundry drafts on Morris canal bank, 90 days,				250,000 00
Sep. 1.	do	do	do		100,000 00
Oct. 1.	do	do	do		100,000 00
Nov. 1.	do	do	do		100,000 00
Dec. 1.	do	do	do		100,000 00
June 16.	Gov. Mason paid in Morris canal bills,				\$10,397 70
	Gov. Mason paid Prime, Ward & King's account,				8,963 30
	Gov. Mason paid John De-lafield's account,				639 00
					20,000 00
Dec. 12.	Bills of the Morris canal and banking company to apply on the January, 1839, payment,				100,000 00
	Gov. Mason's draft on Morris canal and banking co. 90 days,				\$4,580 00
	Gov. Mason's check on Michigan state bank,				50 00
	Bills of Morris canal and banking company;				95,870 00
	In full of Feb. 1839, payment,				\$100,000 00
					\$1,300,000 00
	Credited to the internal improvement fund,				1,180,000 00
	Ypsilanti and Tecumseh railroad co.				60,000 00
	Allegan and Marshall do				60,000 00
					\$1,300,000 00

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 12, 1838.

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Dec. 12, 1838. }

SIR—Annexed I hand you a statement of moneys received on account of Michigan state loan, which includes the bills of the Morris canal and banking company, deposited with me, as per my receipts therefor:

I am very respectfully,

Your obedient servant,

H. HOWARD, *Treasurer.*

His Excellency Gov. MASON,

Detroit.

Prime, Ward & King's report, J. Delafield's receipt, &c.

New York, Nov. 16, 1838.

SIR—In reply to the communication which you addressed to us, on the 12th instant, desiring information on the subject of the Michigan loan, entrusted for negotiation to our Mr. King, under directions from your agent Mr. Delafield, we beg to enclose a copy of Mr. King's note of 28th April last, to Mr. Delafield, explaining the failure to effect the desired loan in Europe, which gives the needful information on that point. In relation to our valuations on London and subsequent reimbursement of their amount, we have to state, that we acted under the explicit instructions of Mr. Delafield, as will be seen by reference to the enclosed copy of his letter to us, of 11th April last, but at that time, he and we, here, were ignorant of the fact, that the bonds to extent of 300,000 dollars were not in a form to be sold in Europe. Our reimbursements were made on the best terms in our power, and free from risk to the state of Michigan, charging the London commission, and one per cent. for drawing and remitting, but of course without guaranteeing the state from loss upon the operation.

It is right to add explicitly, that it was for no convenience or profit to us, that these valuations were made, and that we were ready at any moment, to advance our half of the amount agreed upon with your special agent when here, and it was undoubtedly believed, that a fall in the rate of exchange would enable us to make reimbursement upon terms that would save any expense or loss to the state, which, unfortunately, proved otherwise.

We remain, sir, with respect,

Your obedient servants,

PRIME, WARD & KING.

S. T. MASON, Esq.

Governor of the State of Michigan.

New York, 11th April, 1838.

Messrs. PRIME, WARD & KING,

GENTLEMEN—I have your letter of yesterday, stating that at my request as agent, and under our joint responsibility to reimburse the advance, if required, you had drawn upon Messrs. Baring, Bro's & Co. of London, against the \$300,000 Michigan bonds consigned to them for sale.

Say on 31 March, £20,000	60 days at 5½	\$93,333 33
7 instant, 12,200 19 2	4½	58,666 67

£32,200 19 2

\$150,000 00

At your request, I do hereby acknowledge the receipt of one hundred and fifty thousand dollars, advanced to the state of Michigan; and I engage individually, to refund to Messrs. Baring, Bro's & Co. one half of the amount drawn as above stated, on demand, with interest and commissions, in case of need, confirming the engagements set forth in your letter of the 10th inst.

I am respectfully yours,

(Signed)

J. DELAFIELD,

Agent for the State of Michigan.

Three parcels of Michigan bonds, amounting together to \$300,000, accompanied by Mr. Delafield's letter of 29th November, transferring his agency, with an exemplified copy of the acts of Michigan, authorizing a loan of \$5,000,000, and an act amending the same, authorizing a rate of interest not exceeding six per cent, was received in London, in December, 1837. Preparatory negotiations had been entered into there with a prospect of success, in the anticipation that the amendatory act of Michigan would have been clear and explicit as to making principal and interest, both in sterling money, payable in London.

Said amendatory act, as also the original act, relating to these bonds, no where expressly and directly, nor in any way but by inference, authorized or permitted the payment of the principal abroad, although it was explicit as to such payment of interest, but it directly limited the rate at which payment of either or both should be made in London, at par, or four dollars forty-four one hundredths, per pound sterling, although it required that any premium or gain of exchange upon negotiation should be accounted for to the state of Michigan.

That although the state might receive proceeds of the negotiation of bonds in sterling abroad, at a premium of ten per cent, yet, it should only refund the money and pay the interest at par, in other words, to receive four dollars eighty-eight one hundredths,

per pound sterling, but to pay back four pounds forty-four one hundredths, per pound sterling.

It was then thought practicable, to negotiate for bonds in dollars, principal and interest payable in New York, but the uncertainty as to the rates of exchange, rendered any probable price in London insufficient to cover limits; an effort was made to obtain authority to draw for a given amount, upon leaving the bonds in London, if that would suit the state of Michigan, but as such authority, except after sales made, could not be obtained, no authorized course was left but to bring back the \$300,000 bonds, which has been done. The rate in London for a Michigan loan six per cent, interest and principal payable in New York, would probably be ninety per cent, equal at six per cent premium, to ninety-five forty one hundredths, without allowance for commission or charges, for \$100 of stock.

Copy of note, dated 28th April, 1836, from J. G. King to John Delafield, agent.

(B.)

Answer of Stevens T. Mason to Interrogatories of the Committee.

1. *To first interrogatory of the committee*—I answer, that it will be recollected a loan of one hundred thousand dollars was negotiated at an early day in the history of our state, for the current expenses of the government. I call the attention of the committee to this loan from the fact that as it was negotiated through the agency of Mr. John Delafield of the city of New York, I was induced, on the passage of a law authorizing a loan of five millions of dollars for purposes of internal improvement, to apply to Mr. Delafield for his assistance, the former loan having been made payable at his bank, and he then acting as agent of the state in the payment of interest, &c.

Accordingly, on the passage of the law authorizing the five million loan, I visited New York in the spring of 1837, and held personal interviews with Mr. Delafield and other capitalists of that city. The embarrassments then existing in the money market, soon convinced me that no negotiation or sale of state stocks could be made at that period. I returned home, leaving a copy of the loan law with Mr. Delafield, and authorizing him to correspond with capitalists, at home and abroad, on the subject of the loan. In the autumn of that year, Mr. Delafield advised me, that after diligent and earnest inquiry, he was satisfied no portion of the loan could be negotiated unless the interest on the stock was increased to six per cent, and both interest and principal made payable in Europe; that in the event of such an amendment of the law,

Mr. James King, of the house of Prime, Ward and King, who was about visiting Europe, would take charge of the loan, and give his personal attention to it. The amended law, and three hundred thousand dollars of bonds, were transmitted to Mr. King, in London. Mr. King's efforts to effect a sale in Europe were unsuccessful, for reasons stated by him in a communication before the committee. Mr. Delafield in the mean time, having agreed to advance to the state one hundred and fifty thousand dollars, under the expectation that Mr. King would succeed in his negotiation, drafts were drawn on him for the amount: ninety thousand dollars in favor of the Michigan state bank, and sixty thousand dollars in favor of the Bank of Michigan. The premium was paid to the credit of the sinking fund. Mr. Delafield, however, contrary to my expectations, met my drafts by bills drawn on the Barings of London. The amount of these bills I had to transmit to London, and the rate of exchange having gone up, contrary to all expectation, the premiums paid for the foreign bills about cancelled the advantages in the original drafts drawn on Mr. Delafield. The purchase of these bills explains the item of ten thousand three hundred and ninety-seven dollars and seventy cents paid Prime, Ward and King, as stated by the Treasurer. The amount of six hundred and thirty-nine dollars paid J. Delafield, was for postage paid in transmitting bonds to London, printing bonds, &c. as will appear by the vouchers filed with the Treasurer. No commissions for services were either paid to Mr. Delafield or to Mr. King. This statement closes the transactions with Mr. Delafield.

Again. Previous to June 1st, 1838, I sold to Oliver Newberry, Esq., five hundred thousand dollars of bonds on a written contract and security. Mr. Newberry paid two hundred thousand dollars on this contract, together with the premium of six per cent. A portion of his stock was sent to Europe, but returned, no sale having been made. The two hundred thousand dollars sold, was purchased at an average rate of about ninety-five cents on the dollar. I think Mr. Ward informed me that part was sold as low as ninety-three cents on the dollar. The remaining three hundred thousand dollars was returned by Mr. Newberry, and is included in the contract with the Morris canal and banking company.

I also, on or about the 8th of May, 1838, entered into a contract with E. R. Biddle, Esq., in behalf of himself and friends in Philadelphia, as alleged by him, for the entire loan at par. Eighty thousand dollars were paid down at the time of closing the contract, but after waiting until the last of the month, I was compelled to surrender the contract in consequence of the inability of Mr. Biddle to consummate his arrangements so as to meet his payments.

The above statement concludes all contracts made previous to June 1, 1838.

2. *Answer to the second interrogatory*—I answer, that I did conclude a contract with the Morris canal and banking company, with a view of obtaining a loan for five millions of dollars, for the state of Michigan; that said negotiation was consummated in the city of New York on the 4th day of June, 1838, and that such negotiation did terminate in a positive agreement, as will appear by the documents transmitted to the legislature. In further answer to the interrogatory, I would state, that by the terms of the contract the Morris canal and banking company were to negotiate for the state of Michigan the entire five millions of stock, and to guarantee to the state the different instalments, whether they were put in funds from a sale of the stock or not. For this guarantee a commission of two and a half per cent was allowed; but in the event of a sale above par, the premiums were to be divided until the par value of the stock was realized to the state;—the reason for making the agreement as an agency, was from the fact, that the company were satisfied the first sale, if not the entire amount of stock, must be for less than par, and that they could not encounter the risk of so large a contract for less than the commission stipulated. This belief was induced by the state of the stock market abroad, and from the knowledge that all the stock issued by the state to private companies had sold at less than its par value. The company were to pay for the stock at the rate of one million per year, in quarterly instalments. For the first year their own notes were to have been received and disbursed by the state; for the subsequent years, drafts were to be drawn for the different instalments at sight. It will be seen, however, by the documents before the legislature, that an agreement was entered into between the Morris canal and banking company and Mr. Norton, as my agent, for drafts at ninety days for the first year's instalment, instead of disbursing the notes of the institution; this modification was made in consequence of the risk in transporting the bills of the company, and from a sincere desire to relieve our commercial interest at home by throwing exchange into the hands of our banks. These drafts were offered to the banks of the city of Detroit, on the conditions that they would pay out their own paper, or such other paper as they would make equal to cash at their own counters, and the proposition was rejected by all but the Michigan state bank. For a more minute detail of the contract with the Morris canal and banking company, I refer the committee to the documents accompanying my annual message, and printed by order of the legislature. The Morris canal and banking company was the only party recognized in the contract, although I was informed that the Farmers'

loan and trust company of New York, and the Rothschilds of Paris, by their agent, Mr. Belmont, were parties.

3. *Answer to the third interrogatory*—I answer, that on or about the eighth day of June, 1839, I received from the Morris canal and banking company their notes to the amount of one hundred and ten thousand three hundred and ninety-seven dollars and seventy cents—the sum of ten thousand dollars and seventy cents was the balance of the first cash payment of two hundred and fifty thousand dollars; the sum of one hundred thousand dollars was part of the subsequent August instalment. This sum of money was received at their banking house, placed in a trunk, and the trunk delivered into my possession.

4. *Answer to the fourth interrogatory*—I answer, that I received the sum of one hundred and ten thousand three hundred and ninety-seven dollars and seventy cents, as above stated.

5. *Answer to the fifth interrogatory*—I answer, that on my arrival at home a deficiency of four thousand six hundred and thirty dollars in the sum of money delivered to me by the Morris canal and banking company was discovered, and will here state fully all the circumstances attending the loss, as seems to be desired by the committee.

In the first place, I must state that I am unwilling to express my opinions or suspicions, where no positive testimony exists. I neither accuse or acquit any one interested. Each individual concerned must take care of his own reputation.

The bills were counted in part at the banking-house in Jersey city, and the remainder at the agency in New York; they passed through the hands of several different clerks. I did not count them myself, from a belief, that clerks accustomed to count money would be more correct in counting so large an amount of bills. After being counted and placed in packages, the amount of each package was marked on the band of paper around it, and for fear of robbery on the journey to Detroit, each bill was stamped in red on the back; the ends of each package were left open. A trunk procured for me by Theodore Romeyn, Esq., was sent to the bank, and the packages were placed in the trunk. The package of ten thousand three hundred and ninety-seven dollars and seventy cents being for immediate disbursement, was placed on the top: the trunk was locked and delivered to me, the key never leaving my possession until I reached Detroit.

I received the trunk about 8 o'clock in the evening and immediately conveyed it in a carriage to the Astor house. It was left in the public bar under the charge of the book keeper, and near his desk, whilst I was at tea. On my return from tea, I found Mr. Romeyn standing in the bar, and enquired if he would remain at home that evening, as I was going out. He replied in the affirmative, and I requested him to take the trunk to his room

for safe keeping until my return. I returned home between eleven and twelve o'clock, supped, and then went to Mr Romeyn's room for the trunk; found it there and Mr. Romeyn at his table, writing. I unlocked the trunk, placed in it different articles belonging to Mr. R., and then had it conveyed to my own room. I there placed in it some additional articles of my own, locked it and strapped on the top of it an overcoat. I did not leave the room again that evening. It is perhaps due to Mr. Romeyn, that I should say, that he, on several occasions, spoke of leaving the city for home without me, and that I requested him to remain, that I might have his company on my return; and further, that when I requested him to take the trunk to his own room he expressed an unwillingness to do so, as he did not desire any of the responsibility of the charge of the money.

On the next morning, after receiving the trunk, I left New York in the six o'clock boat; the trunk was not out of my sight more than ten minutes, and then under the lock of my room until it was placed on board the Albany boat. When on the boat, I requested Mr. Romeyn to have it placed in the Captain's office, having attached his name to the trunk. My reasons for identifying the trunk with Mr. R., as well as the reason for requesting him to purchase it, was, that as it was generally known I was negotiating a loan in New York, I might be followed for the purpose of stealing the trunk on the road home. At Albany the trunk was kept in my room, and when I was out I had the key of the room in my possession. I was in Albany one evening. Between that place and Utica, it was under the lock of the baggage car. From Utica to Syracuse it was in front of the stage under the driver's seat. We left Utica about 4 o'clock in the afternoon and reached Syracuse at about one or two o'clock in the morning. At Syracuse it was not out of my keeping. From Syracuse to Oswego it was on the deck of the canal boat for about half a day. At Oswego for one afternoon, it was under lock in my room. From Oswego to Niagara it was in the office of the Captain of the boat for one night. From Niagara to Buffalo it was on the top of the railroad car, and I rode on the outside in the night with it. At Buffalo it remained in my room under lock. On Lake Erie it was placed in the Captain's office and delivered to me at Detroit. When I arrived at home I took from the trunk the articles belonging to Mr. Romeyn and myself, and delivered it to the Treasurer. At no time on the journey was the trunk opened by me, nor could I at any time observe that the overcoat on the top had been moved. On opening the trunk at home, every thing seemed to me as I had placed them. The package of ten thousand three hundred and ninety-seven dollars was on the top, as I had placed it, and was immediately delivered to the Treasurer as part of the cash payment, counted by him, and found to be correct.

6. *Answer to the sixth interrogatory*—I answer, that the Treasurer gave me a receipt for the entire amount contained in the trunk on my arrival at home, he counting at the time only the package of ten thousand three hundred and ninety-seven dollars and seventy cents, and at the time depositing the whole in the Michigan state bank. Some days subsequent, I think at my suggestion, he concluded to count the one hundred thousand dollars of the August instalment, and found in the different packages of fives, tens and twenty dollars, the amount of four thousand six hundred and thirty dollars abstracted. I would also state that the trunk was delivered to the Treasurer on the morning of my return home.

7. *Answer to the seventh interrogatory*—I answer, that the statement marked A. is a true copy of my letter to Edward Biddle, Esq., notifying him of the abstraction. This letter was written immediately after the entire amount of the loss was ascertained, and a statement of that loss prepared by the Treasurer. On enquiry at the post office, I found the mail of that day had closed; and anxious to lose no time in notifying the Morris canal and banking company of the abstraction, so that the first note presented at their counter might be traced, I first determined to place my letter on board the boat to be mailed at Buffalo, but subsequently meeting Mr. Lee of Troy, New York, whom I had known for some years, I handed the letter to him, with a request that he would mail it at Albany, he having informed me he would go through as fast as the mail. I have not seen Mr. Lee since, and know not by what agency it was mailed to New York, but presume, as I informed him of the importance of its reaching New York without delay, he sent it by the first North river boat after his arrival at Albany.

8. *Answer to the eighth interrogatory*—I answer, the remaining notes were sealed up and placed in the vaults of the Michigan state bank, to be returned to New York, but as the Morris canal and banking company insisted that they should be transported at the risk of the state, they were never returned, and have been paid to the Treasurer of the state in December last.

9. *Answer to the ninth interrogatory*—I answer, that they were receipted for by the Treasurer as the January and February instalments on the loan, and were delivered to him about the last of December, 1838.

10. *Answer to the tenth interrogatory*—I answer, that the notes were paid into the state deposite bank, as I believe, by the Treasurer, as a part of the internal improvement fund. The notes abstracted were, with the exception of fifty dollars of the denomination of \$10, returned to the Morris canal office through the post offices in the city of New York, but no information has ever been received as to who placed them there, although every effort has

been made to ascertain the fact. The amount returned was drawn for by draft, and explains my draft for four thousand five hundred and eighty dollars in the Treasurer's statement. The fifty dollars not returned, was paid by me to the Treasurer, and explains my check as stated by him for that amount.

I beg leave to state, although not interrogated to that effect, that I have not received one farthing's benefit by or on account of the loan, either directly or indirectly, in any shape whatsoever; that I expect to receive none, and that in no transaction growing out of the loan or any other act as governor of Michigan, have I been or am I to be benefited beyond the simple salary of my office.

11. *Answer to the eleventh interrogatory*—I answer, as well as I now recollect, Mr. Biddle, vice-president, Mr. Gibson, cashier, Mr. Romeyn, and Messrs. Murray and Griswold, directors, were present—that Mr. Romeyn was present, I am certain.

12. *Answer to the twelfth interrogatory*—I answer, that Mr. Romeyn was present during the marking of the notes, and of course knew that each note was stamped.

13. *Answer to the thirteenth interrogatory*—I answer, that at no time, either in New York or elsewhere, did Theodore Romeyn draw a check in my favor on the Bank of Clinton for \$10,000; but that in July last Col. Murray, a director of the Morris canal and banking company, with Norton, called on me and presented a check drawn by Mr. Romeyn on the Bank of Clinton for \$10,000 and accepted by Mr. McClure, the cashier of said bank. Col. Murray stated that he was anxious to place the amount in New York, and that if the state would collect the check, he would take a draft at one year on the Morris canal and banking company. I received the check and gave it to Mr. Norton for collection on the part of the state. At the same time Col. Murray gave me an agreement that in the event any difficulty occurred in the collection of the check, the whole matter should be cancelled and my draft returned. Some time after, and before the check was paid, an injunction was placed on the Bank of Clinton, and as the check could not be collected, my draft was returned. My only object was to aid Col. Murray, who had been greatly instrumental in assisting my negotiation in New York, and more particularly as this could be done without prejudice to the state. In fact the state would have had the use of ten thousand dollars without interest for one year, had Mr. R's. check been collected, and therefore no objection existed in my mind to the arrangement proposed by Col. Murray.

It will also be recollected by the committee that much has been said concerning my unwillingness to publish my contract with the Morris canal and banking company. I did not feel authorized to make public this contract without the authority of the company, and I have to request of the committee that the accompa-

aying letter from one of our Senators in Congress may be made a part of their proceedings, as an act of justice. I will further state, to correct any erroneous impression that may exist, that no amount, by draft or otherwise, has been placed in the hands of Mr. Norton or the bank of which he is cashier, on account of the five million loan, beyond the \$1,300,000, as stated by the Treasurer in his report to the legislature; and that any arrangement Mr. Norton is now making in New York for the benefit of his bank, is unconnected in every respect with the credit of the state or its loan.

S. T. MASON.

Sworn and subscribed before me, this 27th day of Feb. 1839.

D. S. BACON, *Ch'n pro tem.*

Letter of John Norvell.

Washington, Feb. 10. 1839.

MY DEAR SIR: Mr. Southard having resigned his station as president of the Morris canal bank, and having been one of the committee of that institution to negotiate the Michigan loan of five millions with you, I sought an opportunity, a few days ago, to remark to him, that you had been censured by your political enemies at home, first, for having obtained the money or the loan on terms less favorable to the state than might have been realized; and, second, for having refused to make a public and official disclosure of the terms until the legislature convened.

Mr. Southard answered, that he was cognizant of the progress and circumstances of the whole negotiation; that your conduct throughout the negotiation was marked by a zeal and fidelity to the interest of the state, worthy of all praise; that you could not then have obtained better terms, and by no means so good at this time; and that it was at the request of the bank, made with a view, if possible, to dispose of the loan in Europe for the greater advantage of the state, that you had forborne to make any official disclosure with regard to the conditions upon which you had disposed of it to the Morris canal bank.

Mr. Southard is a whig senator of the United States, and, of course, not politically partial to you.

You are at liberty to make any use you think proper of this letter.

I have the honor to be,

Very respectfully,

Your most ob't serv't,

JOHN NORVELL.

His Excellency STEPHENS T. MASON,

Governor of Michigan.

Statement of Treasurer.

Statement of the amount and denomination of each package of bills of the Morris Canal and Banking Company, abstracted from the trunk delivered to the State Treasurer by Gov. Mason, in June, 1838, purporting to have contained one hundred thousand dollars.

1 package of \$3,000 of \$20 bills, short	\$160 00
do 2,460 of 20 do	560 00
	<hr/>
	\$720 00

22 do of the following amounts of \$10 bills, viz :

1 of \$500 short \$70, 1 of \$500 short \$30, 1 of \$500 short \$50,			
500 " 80, " 500 " 60, " 500 " 30,			
500 " 180, " 500 " 40, " 500 " 30,			
500 " 120, " 500 " 60, " 500 " 50,			
500 " 70, " 500 " 40, " 500 " 90,			
500 " 30, " 500 " 50, " 1000 " 190,			
1000 " 120, " 1000 " 110, " 1000 " 100,			
1000 " 270,			
	<hr/>	<hr/>	<hr/>
short \$940,	short \$390,	short \$540	
		390	
		940	
		<hr/>	
		\$1,870	

32 packages as follows, of \$500 each, of \$5 bills :

Amount short from each package, viz :

\$100	\$55	\$65	\$50	\$70	
95	30	65	95	20	
60	45	75	25	110	
45	75	30	30	75	
75	120	60	70	45	
30	60	40	95	95	
			45		
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	
\$475	\$405	\$335	\$410	\$415	\$2,040 00

Total abstracted, \$4,630 00

Deduct this amount returned to Morris canal banking company, \$4,580 00

\$50 00

Leaving the sum of \$50 deficient, which has been returned to the treasury by Gov. Mason's check for that amount on Michigan

state bank. See my annual account with internal improvement fund, dated Dec. 31, 1839.

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Feb. 16, 1839.

The package of \$10,397 70, which also accompanied the above, consisted of the following denominations of bills of the Morris canal and banking company, as near as I can now recollect, viz :

103 bills of \$100 each, is	\$10,300 00
4 do of 20 do	80 00
1 do of 10 do	10 00
1 do of 5 do	5 00
1 do of 2 do and specie 70 cts,	2 70
	<hr/> \$10,397 70

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Feb. 16, 1839.

SIR—At your request I hand you the annexed statement, shewing the amount and denominations of the bills of each package of the bills of the Morris canal and banking company, abstracted from the trunk you delivered me in June, 1838. Also a statement of bills in the package of \$10,397 70, accompanying the above.

With great respect, your obedient servant,

H. HOWARD, *Treasurer.*

His Excellency Gov. MASON, *Detroit.*

Cancelled receipt of John Norton, Jr.—State Bank.

Received of S. T. Mason, Theodore Romeyn's draft on the Bank of Clinton, for ten thousand dollars, for collection for the account of James B. Murray, agent for the Morris canal and banking company.

JOHN NORTON, Jr., *Cashier.*

Detroit, 3rd Sept. 1838.

Receipt of James B. Murray.

Detroit, August 2, 1839.

Received of His Excellency, S. T. Mason, his draft, payable in twelve months after date, for ten thousand dollars, on the Morris canal and banking company, which draft I received as agent of said company, in exchange for a check or draft of Theodore Romeyn, dated 30th July, 1838, for \$10,000, on the Bank of

Clinton, certified by "C. H. M'Clure," payable to bearer, which said draft is placed in his hands for collection and disbursement for the use of the state of Michigan, under the express understanding and agreement that he, or his agent, is to use their discretion in the collection of the same, and in case of failure in collecting the whole or any part of the said draft on the Bank of Clinton, an equivalent amount of the draft now received by me, is to be cancelled by the said Morris canal and banking company, and placed again to the credit of the state of Michigan, and no want of notice for non-payment in part or whole of said draft on the Bank of Clinton shall be plead in waiver of this receipt.

JAMES B. MURRAY,

Agent of the Morris Canal and Banking Company.

Memorandum of sale of State Stock.

From the London Morning Chronicle, of November 24.

AMERICAN STOCKS.—Considerable business continues to be transacted daily in American securities; and during the week, in addition to the new loans for the states of Mississippi and South Carolina, bona fide investments to the amount of upwards of £300,000 have been effected, arising no doubt in a great measure from the abundance of money and the good rate of interest which is received; various stocks averaging a dividend of between five and six per cent. nett in this country. Sales of the new Mississippi loan have been made at ninety-three; Alabama, five per cent., is quoted at ninety-four, and at which business has been done; Illinois six per cent., ninety-six; Indiana five per cent., eighty-five; Louisiana five per cent., ninety-six; ditto six per cent., par to one hundred and two; Massachusetts five per cent., one hundred and three; Maryland six per cent., par; buyers, no sellers; New York five per cent., in demand at ninety-three to ninety-five; Ohio six per cent., one hundred and two; Pennsylvania five different five per cent. stocks, varying as to the period of redemption, ninety-two to ninety-six: South Carolina five per cent. in demand at ninety-five, and Virginia six per cent. state stock, ninety-five and a half; New York city five per cent. stock, ninety; and New Orleans city five per cent. stock, eighty; United States bank shares at twenty-five pounds five shillings, buyers; American Life and Trust Company shares, twelve pounds ten shillings.

Correspondence of the New York Courier and Enquirer.

London, November 30; 1838.

We continue without arrivals from the United States, and so tempestuous has been the weather here for the last seven days, that even the letters and files of newspapers have not been able to be landed from the packet of the first. The Earl of Durham has, however, arrived at Plymouth, and is expected in London in the course of the present night.

The money market continues inactive, but American securities are in general very firm in value, and some of the stocks have manifested some tendency to a further advance. Of the Bank of the United States, one thousand two hundred shares were sold this morning, at twenty-five pounds seven shillings and six pence, and further sales were declined, unless at an advance to twenty-five pounds ten shillings. The Alabama loan, for which a contract had been taken by the house of Palmer, Macillogh, Dent & Co., is now, through the insufficiency of the powers of the agent, transferred to Messrs. Gowran and Marks, who have made a considerable advance in silver upon the bonds, but who are not absolute contractors; and merely are to dispose of them in the market, upon a broker's commission, as circumstances may permit. The other new stocks are going gradually into circulation; the Messrs. Baring and Brothers, having already disposed of about one hundred thousand pounds of the South Carolina loan. The prices of stocks, in which business took place this afternoon, were at the close, as follows:

New York 5 per cent. 91a 94; Ohio 6 per cent. 1850-6, 101 a 102; South Carolina 5 sterling, 95; Virginia 6's, 1844, 95; New York city 5's, 90, sellers. Discount on United States bank bonds, 6 months, 3½; 3 months, 3 per cent.

Sale of Michigan stock to Morris canal and banking company, par less 2½ per cent. commission, say \$125,000 loss.

Say sale in New York at par, the bonds in sterling; 11 per cent. between a sterling and a dollar bond, \$5,000,000.

\$550,000 00

Eight per cent. exchange on \$300,000 of interest for 25 years,

600,000 00

Loss,

\$1,150,000 00

In addition one per cent. commission at New York and London, for remitting and paying.

Say sale in London at par, which is the highest quotation for the bonds of the old and established states.

Stock, entire loan,

\$5,000,000 00

Eight per cent. advantage on exchange,

In drawing on London, is cancelled we may say by the exchange

in remitting the debt when paid. This makes the stock par at home. We have then the exchange against us for twenty-five years, on \$300,000 of annual interest. Loss, \$600,000.

In addition, you have throughout, the New York and London charges, which are not less than two per cent, (say, \$100,000.)

Say a sterling bond sold for six per cent premium at home, the exchange at 8 per cent in remitting, would leave a loss to the state of two per cent on the principal, \$100,000 00

and eight per cent exchange on \$300,000, annual interest, at 25 years,

600,000 00

Loss,

\$700,000 00

The highest offer from any other source was ninety-five cents. See sale of Arkansas stocks at less than par, one half the interest payable in London. Alabama sterling bonds, one hundred and two cents, New York. Loss, \$600,000 on \$5,000,000. See sale of our own stocks.

See Newberry's sale at ninety-three and ninety-five. University stock also with the interest, yielded about ninety-five. Seven per cent Palmyra railroad stock was offered at less than par. Pontiac no sale, but hypothecated for an advance.

London, December 12.

Alabama,	5 per cent sterling,	94
Illinois,	6 " 1870	95
Indiana,	5 " 1861-6	85½
Louisiana,	5 " 1844	95 a 96
Do	6 sterling, 1858	102
Massachusetts,	5 per cent,	93
Do	sterling,	103
Maryland,	6 per cent, par to	102
New York,	5 " 1866	95½
Pennsylvania,	6 " 1860	95 a 96
South Carolina,	5 " 1866	95½
Florida,	6 " 90 nominal.	

Discount on bonds of the Bank of the United States, ¾ per cent.

London, Dec. 8.

American securities present no change, and are altogether very firm. Alabama 5 per cent sterling is quoted at 94 to 95; Illinois six per cent, 95 to 96; Indiana five per cent, 85; Louisiana five per cent, 95 to 96; do six per cent, sterling, 102; Massachusetts five per cent, 93; do sterling five per cent, 103; Maryland six per cent, par to 102; Mississippi six per cent, 93; do five per cent sterling, 93; New York five per cent, 94; Ohio six per cent, 104; Pennsylvania five per cent stocks, varying as to the period

of redemption, 95 to 96: South Carolina five per cent sterling, (Baring's,) 95 to $\frac{1}{2}$; Virginia six per cent, 95; Florida six per cent, 90; New York city five per cent, 90; United States bank shares, 25l 7s. 6d. to 25l. 10s.

On the 14th, all American stocks were in demand, at improved prices; United States bank shares, £25 15s.

The price current this morning gives the following table for facilitating the computations:

Exchange on England—One pound sterling.

At 5 per cent premium is		£4 66
5 $\frac{1}{2}$	"	4 67
5 $\frac{3}{4}$	"	4 68
5 $\frac{1}{2}$	"	4 70
6	"	4 71
6 $\frac{1}{2}$	"	4 72
6 $\frac{3}{4}$	"	4 73
6 $\frac{1}{2}$	"	4 74
7	"	4 75
7 $\frac{1}{2}$	"	4 76
7 $\frac{3}{4}$	"	4 77
7 $\frac{1}{2}$	"	4 78
8	"	4 80
8 $\frac{1}{2}$	"	4 81
8 $\frac{3}{4}$	"	4 82
8 $\frac{1}{2}$	"	4 83
9	"	4 84
9 $\frac{1}{2}$	"	4 85
9 $\frac{3}{4}$	"	4 86
9 $\frac{1}{2}$	"	4 87
10	"	4 88
10 $\frac{1}{2}$	"	4 90
10 $\frac{3}{4}$	"	4 91
10 $\frac{1}{2}$	"	4 92
11	"	4 93
11 $\frac{1}{2}$	"	4 94
11 $\frac{3}{4}$	"	4 95
11 $\frac{1}{2}$	"	4 96
12	"	4 97

(C.)

*Interrogatories and Answers—Gov. Mason.**Interrogatories propounded to Gov. Mason by the committee,
March 20, 1839.*

1st. From what instalment is the commission of two and a half per cent to be paid?

2nd. When and how are the March and April instalments to be drawn, and how are they to be applied?

3d. What amount of bonds of the state have been executed, and with whom deposited?

4th. What security, if any, has been given by the Morris canal and banking company for the payment of the loan?

5th. Has the arrangement been perfected with the Bank of the United States, and if so, where is the amount to be paid?

6th. What amount has been received from the Morris canal and banking company?

7th. *Resolved*, That he be requested to furnish authenticated copies of all arrangements and modifications of the contract of loan, which may have been made or assented to, since the date of said original contract of loan.

March 26, 1839.

In answer to the interrogatories of the committee of this day, I beg leave respectfully to state:

First. That under the original contract with the Morris canal and banking company, the commission of two and a half per cent was to have been paid whenever the whole amount of stock should be sold by them, unless the stock brought more than par, in which event, the excess was to be divided between the state of Michigan and the company. In the event of no sale of the bonds, the company were to make the advances as the instalments became due, and in such case, the commission would be paid pro-rata with their advances. In the sale to the Bank of the United States, when consummated, it was agreed that the negotiation under the agency had transpired, and as the bonds of that institution were to be received for the amount, the two and a half per cent must be deducted from the par value of the bonds. This opinion was concurred in by all the experienced bankers consulted at the time.

Second. The March and April instalments, under the original contract with the Morris canal and banking company, would have been drawn for on the first of each respective month, but in accepting the proposition of the Bank of the United States, it was understood that the commission of two and a half per cent and the interest on the loan, should be deducted from these instalments.

The balance of the April instalment, after these deductions, is subject to a 90 days' draft from the first day of the ensuing month.

Third. The whole amount of bonds authorized by law, have been issued, and were deposited with the Bank of the state of New York, to be delivered on the consummation of the arrangement with the Bank of the United States.

Fourth. No security was required of the Morris canal and banking company. The agency entrusted to them is based upon the high standing and character of the officers and directors of the institution. In the event of a sale of the bonds, it was believed that the company would in good faith, pay over the proceeds to the state. At the time of the contract, the Morris canal and banking company were acting as the agents of other states, and had deposited with them millions of their bonds.

Fifth. I am unable to say whether the arrangement with the Bank of the United States has as yet been perfected. Mr. Withers, the cashier of the Bank of the state of New York, forwarded me a copy of the obligation prepared to be executed, for my approval. The obligation was returned to Mr. Withers, and I have not since heard from him. Should it happen by any unforeseen event, that the arrangement with the Bank of the United States is not perfected, the original contract will be in force and the instalments will be paid as therein required. The March and April instalments will be received, less the interest due, and the commission of two and a half per cent will only be deducted from advances actually made by the company. If the arrangement with the Bank of the United States is consummated, the obligations of that institution will be made payable at the Bank of the state of New York.

Sixth. One million one hundred thousand dollars thus far, has been received from the Morris canal and banking company.

Seventh. The committee are in possession of copies of all the arrangements and modifications of the contract with the Morris canal and banking company, as will appear by printed documents of the Senate and House of Representatives.

STEVENS T. MASON.

Since writing the above, I have received a letter from Mr. Withers, informing me that the arrangement with the Bank of the United States has been consummated.

S. T. MASON.

March 30, 1839.

(D.)

Interrogatories and Answers—Mr. Romeyn.

Interrogatory to Mr. Romeyn.—Was you present at any time during the progress of the negotiation between Governor Mason and the Morris canal and banking company, and if so, please to state fully what you know in relation to said matter, whether you saw the money counted, stamped and put up; what disposition was made of said money from the time it was counted until the same was deposited in the state bank? Please state fully all circumstances connected with the negotiation of said loan.

In reply to the above interrogatory submitted to me by the committee, I answer, that I was in New York in April and May and June last, during the progress of the negotiation between Governor Mason and the Morris canal and banking company. Being a friend of Governor Mason and acquainted with several of the directors of the company, I was repeatedly present during the preliminary negotiations, and at the consummation of the contract. I was familiar with the legislation of the state on the subject of the loan, not entirely ignorant of the public feeling and expectation in the matter, and my opinion was asked as to this, and as to the construction of the statutes, which had a bearing on it. I believe that I perused and examined the contract before it was executed, but in all the affair, I had no agency and no other connection than that which naturally resulted from my acquaintance with the subject and the parties.

I was present when the money was paid to Governor Mason, on the fourth day of June last. The circumstances are fully detailed in Governor Mason's affidavit, to which I beg leave to refer. The money was not counted in my presence; a portion of it was counted, I believe, in Jersey City, and the remainder in the city of New York, and all stamped in New York. A part of it was stamped in the presence of Governor Mason and myself. Several of the officers and directors of the bank were there also. Broad, distinct marks were stamped, in red color, on each bill. The object of this was obvious. It was known that the money, after it arrived at Detroit, would be paid to the Treasurer, who probably would count it; that it would be by him deposited in the state deposit bank, where, according to the usages of all banks, it would be re counted; and that it would again, in all probability, be examined when paid to the Commissioners of internal improvement, by whom it would be disbursed; consequently any abstraction from it would be discovered, and the marks on it would render it useless to the plunderer, and conduce to his detection. I do not know from whom the suggestion as to the marking originally came, but its propriety was so obvious that it was immediately adopted; and, as the result proves, it was a fortunate precaution.

I saw that all the bills appeared to be marked, and in order to have a copy with us, an impression of the marks or stamps was made in the crown of my hat at the time, where it now remains.

The bills were put into packages of different amounts, and with a slip of paper around them, of small width, so as to admit of their being stamped in detail, without loosening the packages. At Governor Mason's request, I had directed a servant to purchase a trunk for the purpose of carrying the money, and sent it by one of the porters of the Astor house to the bank. I never saw the trunk, until I saw it in the bank; neither do I know where it was bought. It was an ordinary cheap article, worth not more than six or seven dollars. The packages of money were put into the trunk, with no envelope round them. As stated by Governor Mason, he took the trunk and contents to the Astor house.

This was about eight o'clock in the evening. He asked me to take charge of it, which I expressed an unwillingness to do, as, long ago, I had made it a rule to decline to carry or keep money for others. It was, however, agreed, that it might go to my room for the evening. I went out and returned home between 9 and 10 o'clock. A servant brought the trunk to my room, and set it down. The key was in Governor Mason's possession. I was engaged in writing, and was alone during the evening, except for a few minutes, when Mr. S. P. Brady, I think, called on me in relation to some papers I was to draft for him before I left the city. The trunk stood in my room until between 11 or 12 o'clock, when Governor Mason came in, took the key from his pocket, opened it, put into it some small matters, took it to his room, and from that time to the present, I have had no control over it, except when I caused it to be put in the office of the captain of the steamer Erie, on the morning of our leaving New York. This is all that I know about it, and I believe that Governor Mason's statement is full and fair.

It is due to myself to say, that I had expected to leave the city before I did actually go, and only remained there at Governor Mason's request. As to the history of the trunk and money after their arrival at Detroit, I know nothing, except from the Governor's statement. I do not know the source or mode by which the money was abstracted. I have never made any charge against any one in the premises; neither have I heard Governor Mason make any. I have explained my agency in the matter, and this is all that I feel incumbent upon me to do; others must take care of their own reputations.

I have never directly or indirectly, drawn any money from the state for my own purposes, neither have I received from Governor Mason any accommodations or advances.

THEODORE ROMEYN.

Sworn and subscribed before me, this 27th day of February,
A. D. 1839.

D. S. BACON,
Chairman pro. tem.

Interrogatories propounded to Gov. Mason.

1st. Did you, by virtue of a law of this state, make any negotiation in whole or in part, of the \$5,000,000, and if so, what, prior to June 1st, 1838? Please state fully.

2d. Did you, in behalf or for the use of the state of Michigan, and by reason of certain acts of the legislature thereof, open a negotiation with the Morris canal and banking company; or with any of its officers, with a view to obtain a loan of money for the use of this state? and if aye, when and where did said negotiation commence? Did such negotiation terminate in a positive agreement? and if aye, what, in brief, were the terms and conditions of such agreement? and who were parties to it? State fully.

3d. Did you at any time receive from said Morris canal and banking company, any money for the use of this state, by reason of any such agreement or contract? If aye, when? and where? and under what circumstances? Please explain fully.

4th. Did you, on or about the fifth day of June, 1838, and if not then, at what time or times, receive of said Morris canal and banking company, a certain instalment, which, by the terms of such contract, purported to become payable in or for the month of August, 1838, in the bank bills of said company, consisting of \$100,000, or if not of that sum, then of what sum did it consist? and if not for the instalment purporting to be payable in said month of August, then during or for what month was it payable? Please state fully all the particulars.

5th. After the receipt by you of said money, and before its payment over to or receipt by the State Treasurer of this state, were any of said bank bills abstracted from the bundles in which they were contained? If aye, state fully how many of them? to what amount? and under what circumstances? State all the particulars, so far as the same are within your knowledge, information or belief.

6th. How, where, and by whom was it first discovered that money had been taken from any of the packages in your possession? State particulars.

7th. Is the document marked (A.) herewith exhibited, a true copy of your letter directed to Edward Biddle, Esq., dated June 18, 1838? If aye, by whom was it sent? and what directions or instructions did you give to the person who took it, relative to its disposition? Please state fully.

8th. What disposition was made of the residue of the bills so received by you and not abstracted from the trunk in which you caused the same to be brought to Detroit? Was the same paid over to the State Treasurer as in part of any of the sums accruing to this state upon any such contract of loan, and was credit accordingly given for its receipt by said State Treasurer? Please state particulars.

9th. If paid over by you to the State Treasurer, was it receipted for; or was it receipted for by you to the Morris canal and banking company?

10th. If the bills so paid over and either receipted for or credited by the State Treasurer, what disposition was afterwards made thereof? And what, if any thing, within your knowledge, information or belief, was done with, or what disposition made of the sums or bills obtained as aforesaid? or relative to the deficiency appearing after such abstraction? Please answer particulars fully.

11th. Who were present when the money was delivered to you?

12th. Did Mr. Romeyn know of the money being stamped or marked?

13th. Did T. Romeyn, Esq., when in New York or elsewhere, draw a check of \$10,000 in your favor, on the Bank of Clinton, and if so, was said check paid? Please state fully.

(No. 45.)

Report of the committee to investigate the accounts of Benjamin Porter, Acting Commissioner of the State Prison.

The committee to investigate the accounts of Benjamin Porter, acting commissioner of the state prison, would beg leave to report :

Soon after the appointment of the committee, they, together with the committee on the part of the honorable the Senate, proceeded to Jackson to perform the duties assigned to them. The two committees, although not a joint committee, resolved to act and sit together during the investigation, and after examining the books, the works at the prison, the buildings on the prison ground, and hearing the testimony and explanations, the commissioners and the clerk have come to the same general conclusions ; and the committee would respectfully refer you to the report (No. 34 Senate) made by the honorable the committee appointed by the Senate. Your committee would further report, that after investigating the books and check rolls kept by the commissioners, and after examining the works, they have come to the conclusion that the report made by the acting commissioner to the Auditor General on the 3d of November last, did not exhibit a correct statement of the expenditures, amount of work done and materials on hand. The reasons why your committee came to the above conclusions, are,

First. The amount of stone reported to have been laid in the cells and other walls, was more by over 300 perches, at that time, than now appears to be found by an estimate which the committee made, which would make a difference of some \$3,000, according to the estimate made by the commissioner, which your committee are of opinion, from all the facts which came within their knowledge, the price set by the perch, was more than it ought to have cost.

The next item in the report of the 3rd of November last, is the amount of brick in cells, &c. The whole amount of brick laid in cells, will fall much short of the reported amount. What is meant by the character, &c. your committee does not know. The amount of excavation done, will not vary much in quantity, but estimated price per cord is from two to three times higher than work is frequently done at.

The buildings are mostly, in the opinion of your committee, estimated in said report too high, particularly one of them, which

the acting commissioner told your committee he had his doubts whether any thing has been paid, which he reported at \$1,900, and at this time it is not any where near completed. On asking the said commissioner why he reported in that case as he did, his reply was, that one of the other commissioners told him it was paid for.

The committee are of opinion that from all the information they could obtain, that the other materials mentioned in the report will fall much short of the amount exhibited in said report. In regard to the actual amount of expenditures for the prison, your committee could not, either from the books or the commissioner, arrive at any definite conclusion. The amount of money which had been received for the prison on the account of the twenty thousand dollar loan and over drafts, there appeared to be a difference in opinion of the commissioners, of the amount of \$10,000.

Your committee also found, upon examination, that the commissioner had entered into contract with various individuals to a very large amount, to do the principal part of the work in erecting the prison, or as much as would be required to be done this season, much against the interest of the state, even if he had or was authorized to let the same, (which your committee doubt,) for the reason your committee are of opinion that much of the work contracted to be done, might and should have been done by the convicts.

All of which is respectfully submitted.

A. ALLEN,
F. SHURTZ.

(No. 46.)

Communication in regard to the State Library.

To the House of Representatives of the State of Michigan :

I herewith transmit the enclosed statement, in doing which, I beg leave most respectfully to invite the attention of the honorable the legislature to the past and present condition, as well as to the future enlargement and preservation of the state library.

OREN MARSH, *Librarian.*

Feb. 20, 1839.

COMMUNICATION.

To the Legislature of the State of Michigan :

I herewith transmit a statement of the manner in which the amount of the sum which has been appropriated for the enlargement of the state library, has been expended the last year for the said purpose, agreeably to an act approved March 21st, 1837. Amount of sum appropriated, \$1,000.

BOUGHT OF COLLINS, KEESE & CO.

New York, July 20, 1838.

Title of Volume.	No. Vol.	Am't.
Memoirs of British Cattle,	1	\$3 00
Book of Allegiance,	1	2 50
Collingwood's Correspondence,	1	1 50
Cobbet's Parliamentary Debates,	1	2 00
Chitty's Practice,	3	14 00
do Pleadings,	3	10 00
Report of the Cherokee Case,	1	2 50
Dunlap's American Theatre,	1	2 00
Discourses before American Inst.	3	3 00
Day's Reports,	3	12 50
Edinburgh Quarterly Review,	28	45 00
Stevens on Average,	1	3 00
Register of the U. S.,	3	3 75
Ousley's Statistics of the U. S.,	1	1 80
Bulwer's Athens,	1	63
Lockhart's Scott,	2	4 00

Carried forward,

Brought forward,

Title of Volume.	No. Vol.	Am't.
Cooper's Novels,	26	13 00
Johnson's Reports,	19	85 50
Cowen's do	9	60 00
Wendell's do	16	103 13
Johnson's Chancery Reports,	7	48 00
Hopkins' do	1	6 50
Edwards' do	1	6 50
Angell on Limitations,	1	4 00
do Water Courses,	1	2 50
Cousin's Prussian Education,	1	75
Life of Patrick Henry,	1	1 75
Loudon's Cyclopaedia, of Archt.,	1	15 00
do do Gardening,	1	15 00
do do Plants,	1	22 00
McCulloch's Com. Dictionary,	1	16 00
Roscoe's Life of De Medici,	1	3 00
Robertson's Charles V.,	1	1 75
Josephus,	2	2 50
Demond's Elements of Morality,	1	1 50
Diversions of Purley,	2	7 50
Burton's Anatomy of Melancholy,	2	5 00
Democracy in America,	1	2 50
Johnson's Digest,	2	12 50
Carey on Wealth,	1	1 50
English Com. Law Reports,	11	28 00
Wheaton's Reports,	12	60 00
do Digest,	1	6 00
Cain's Reports,	3	9 00
Hall's do	2	7 50
Digest of N. Y. Reports,	2	10 00
Chancery Digest,	1	5 00
Chief Justice Marshall's Decisions,	2	10 00
Code of Napoleon,	1	6 00
Loudon's Cyclopaedia of Ag.	1	18 00
Laws of N. Y.	2	5 00
R. T. Paine's Works,	1	3 00
Letters from Rome,	2	2 00
Letters from Palmyra,	2	2 00
Life of A. Burr, 2d vol.	1	2 25
Cases in Chancery,	1	3 00
Fonblanque on Equity,	1	4 50
Noys' Maxims,	1	1 50

Carried forward,

HOUSE DOCUMENTS.

745

Brought forward,

Title of Volume.	No. Vol.	Am't.
Reeve on Descents,	1	2 50
Wentworth on Executors,	1	3 00
De Lamartine's Pilgrimage,	1	2 25
Parker's Exploring Tour,	1	1 50
Huren's Rome,	1	2 50
Combe, McNish, Foster and Mason,	1	2 00
Taylor's History of U. S.	1	1 75
One Box and carting,		2 00
		<hr/>
		\$748 80

September 10, 1838.

English Com. Law Reports,	30	\$120 00
Exchequer Reports,	6	24 00
Miffin's Method of Location,	1	1 12
Storey's Pleading,	1	5 00
Law of Principal and Agent,	1	4 00
Peter's Reports, 12th vol.	1	6 00
Carey on Wealth,	1	1 75
District School,	1	1 00
Montague's Letters,	2	4 00
History of Congress,	1	5 50
Goodman's Natural History,	2	5 00
History of Illinois,	1	75
Tredgold on Railroads,	1	2 75
Cousin's Philosophy,	1	2 50
Lyell's Geology,	2	6 00
Dana's Mineralogy,	1	2 75
Holland's Life of Van Buren,	1	1 00
Tanner's Narrative,	1	2 25
Young's Mechanics,	1	1 75
Italian Republics,	1	62
Ohio Gazette,	1	1 50
Martineau's Miscellany,	2	2 75
One box and carting,		1 25
		<hr/>
		\$203 24

Recapitulation.

Sum appropriated for 1838,		\$1,000 00
Amount of bill, July 20, 1838,	\$748 80	
“ “ Sept. 10, “	203 24	

Carried forward,

Brought forward,		\$	
For transportation from New York			
to capitol,		10 27	
		<hr/>	962 31
Balance unexpended,			37 69
Sum appropriated for 1837,		\$2,000 00	
" " 1838,		1,000 00	
		<hr/>	3,000 00
Amount expended in 1837,		\$1,824 10	
" " 1838,		962 31	
		<hr/>	
Whole amount expended,			2,786 41
			<hr/>
Leaving unexpended of the appropriation for the			
last two years, 1837-8,			213 50
I certify that the above account is correct to the best of my			
knowledge and belief.			

OREN MARSH,
Librarian.

Feb. 20th, 1839.

(No 47.)

Report of the majority of the committee of investigation into the general accounts and proceedings of the Board of Internal Improvement, made April 9, 1839.

To the Honorable the House of Representatives :

The majority of the committee of investigation appointed by the House of Representatives under a resolution which appears upon its journals of the first of February last, and in the following words :

“On motion of Mr. Tucker,

Resolved, That a committee of five be appointed by the house of representatives to investigate the general accounts and proceedings of the board of commissioners of internal improvement, from the organization of the first board, up to the present time, with power to send for persons and papers.”

Whereupon, the Speaker announced as such committee, Messrs. Tucker, Smith, Acker, Axford and Jennings, who beg leave to submit the following report and accompanying documents.

Your committee are of the opinion that when the House reflect upon the great mass of documents necessary to be examined, and the wide range that this inquiry and examination has necessarily taken, and the amount of labor your committee has felt it their duty to bestow upon it, that no apology will be required for the apparent delay in presenting their report to those from whom emanated their authority.

Perhaps it is not too much to say, that your committee, from the commencement to the close of this very arduous and somewhat exciting investigation, have endeavored to keep in view solely the public interests, with the determination to dispense equal justice to all those connected with this very important branch of the public service; and they cannot but flatter themselves that if they should commit any error, either in the facts or the conclusions to which they have come, they may rather be attributed to errors of judgment than to a wish to inflict personal injury, or to effect ulterior objects: for your committee unhesitatingly declare, that they have no personal hostility or prejudice towards either of the gentlemen whose public acts they may here canvass; but upon the contrary, their intercourse has been of the most friendly character.

And your committee take this occasion to say, that the treatment that they have received from the board of internal improve-

ment, generally, has been that of civility and politeness, with only one exception.

Yet your committee are compelled by a sense of duty to themselves, to this legislature and to the country, to speak frankly, openly and fearlessly, and they trust candidly, upon all the matters committed to their charge; with a view to mete out impartial justice to all concerned; to correct abuses that they believe do, or have existed; to hold up the errors, or the frauds of the past, as a beacon for the future—to warn those who may follow in their footsteps, of the rocks upon which they split, and the dangers with which they are surrounded.

In presenting this matter to the House, your committee would particularly state, that, from documents in their possession, and which accompany this report, and to which they would respectfully require your attention, it will appear that the Central railroad passed into the hands of the state in the spring of 1887, and was committed to the charge of David C. M'Kinstry, acting commissioner, who received his appointment on the 10th of May of that year. It will also appear by reference to the same documents, that said M'Kinstry resigned the said office of acting commissioner on the 25th day of the following October, being in office about five months and a half, during which time it further appears that he received from the internal improvement fund \$90,896 80, which appears from his vouchers to have been expended in the following manner, viz: for construction \$88,364 06, and for engineering the further sum of \$2,532 74.

Yet it will be observed that in the item for construction, that but \$52,907 76 can be properly so denominated; the balance, \$35,456 30, is made up of different items, but placed to that account.

What appeared to be very objectionable in the transactions of this commissioner, to your committee, was the fact that a large amount of the last item had been expended for the purchase of groceries, hardware, implements and provisions, and a portion of which, from the testimony before your committee, was taken to a store in which the commissioner had a direct interest, although conducted in the name of another individual, and disposed of as the property of the establishment, and for which no credit has been found for the state.

The amount so disposed of, was estimated at from two to three thousand dollars!

It also appeared that the same establishment had existed before this witness was familiar with its affairs, and therefore we were unable to establish the fact of a previous interest, as the individual who managed the concern, had left the country. Yet your committee have no doubt that a previous interest existed.

Another very objectionable feature in the transactions of this

commissioner, in connection with this store, was the fact, that several bills, and to a considerable amount, were made out in the handwriting of this commissioner, purporting to have purchased the articles therein enumerated from the individual having charge of this store, and receipted in his name; which were allowed and paid from the funds of the state, and which your committee have good reason to believe were, in some instances, the property of the state at the time of sale.

A more outrageous transaction than this, if the evidence can be relied upon, can scarcely be contemplated, and one which would draw down a severe rebuke upon a more humble individual.

It will also be perceived, by reference to the before mentioned documents, that a very considerable amount of money was expended by the same commissioner, in the purchase of live stock, consisting of horses, cattle, swine, &c. &c.:

How far it was necessary to make these purchases, your committee are no better able to judge than the House. Of one fact, however, they are satisfied, that the state has been called upon to pocket a loss to the tune of several thousand dollars, as the result of that very judicious operation.

In connection with this subject, your committee are irresistibly led to the conclusion, that from the commencement of the public works in the state, and particularly on the work here alluded to, a more profuse and profligate system of expenditure of the public funds, has nowhere existed; and a parallel might perhaps be sought in vain, but for him who immediately succeeded.

It, however, is due the acting commissioner, Col. M'Kinstry, on this road, and of whom we have been speaking, to say, that he testified before your committee that although having an interest in that store, yet he had no knowledge that any property of the state had been taken and sold there at any time.

It will be also perceived that James B. Hunt succeeded Col. M'Kinstry as acting commissioner upon the Central railroad, from October 25th, 1837, and continued to act in that capacity until the 9th of May, 1838, during which period he appears to have expended upon said road, for construction, \$214,284 44, and for engineering, the sum of \$12,335 30. It will be borne in mind that the charge for construction covers several items, as the accompanying documents will more fully explain. We will briefly allude to one particular in this part of our report, and pass on. This is an amount of \$2,492 09, making a part of the above mentioned sum, being an addition to the hardware, live stock and furniture, already in possession of the state.

The testimony that has been adduced before your committee, in relation to the transactions of this commissioner, generally, has been such as to establish in their opinion the following facts:

First. That this commissioner has been in the habit of employing agents to transact the business generally that appertains to his office, and that he has entrusted to said agents, at a heavy expense to the state, that portion of his duties that the state had reason to suppose that he would perform, by virtue of his office, and for which he has received from the treasury an ample remuneration.

Secondly. He has drawn money from the treasury for individuals who were not entitled to it by law, or by services rendered.

Thirdly. That property has been purchased by him or his agents, when not required by the wants of the state, whereby the state has suffered loss.

Fourthly. In the purchase of blankets from an individual who had smuggled the same, with a knowledge of the circumstances, he committed an act unworthy a public officer, and should be rebuked for such by the representatives of the people.

Fifthly. A total disregard for the interests of the state where they came in contact with his own, as evinced by his votes given at the meetings of the board of internal improvement.

In support of the first proposition, the testimony was not only ample, but very conclusive; and indeed it was admitted by Mr. Hunt himself, that agents had been employed, to whom was committed a very large portion of his business upon the Central railroad; and what seems to be particularly objectionable to your committee, was the fact, that one John Beach was appointed about the first of November, 1837, by the said Hunt, a disbursing and general agent, and through whose hands passed large sums of money, and to whose care was entrusted all the property of the state upon the Central railroad.

It also appears that he was retained in that situation for the space of about three months, during which time a large proportion of the property upon said work was disposed of by him, and an apparent deficiency is discovered of \$8,405 14 between the sales and the purchases, and an actual deficiency where property had been sold for cash and unaccounted for, amounting to \$2,057 50.

The reason your committee consider this transaction so very odious, arises from the circumstance that Mr. Hunt knew at the time of his appointment, that he was advertised as a public defaulter, or a fugitive from justice from the state of New York: and yet, under such circumstances, to place him in a situation whereby he could plunder the people of this state, was an act so flagrant, that your committee are at a loss to account for the motives that prompted the measure. To explain more fully the manner in which he succeeded in covering up his transactions, we will state, that it appeared in evidence there were numerous instances, in which he disposed of the state property to those who had claims against the state, and at the same time, required them

to sign vouchers, as for money paid, thereby enabling him to pocket the amount of the sale without fear of detection; and it was only discovered by the testimony of the individuals with whom such transactions had taken place, and by a comparison with the pay rolls of hands.

How far Mr. Hunt should be held liable for these sales, or for this money, is a matter that your committee do not feel called upon to offer an opinion. The fact will enable the House to judge with as much certainty as the committee.

That the state has suffered severely from the manner in which this business has been conducted by those agents, is a matter so self-evident to all those who seek information, that your committee need not offer further proof in relation to it.

Yet to silence all cavil and put the matter beyond doubt, your committee will mention one fact more, among numerous others, that might be offered.

A practice prevailed to some considerable extent, and which your committee are of the opinion was exceedingly pernicious, and which a careful supervision would have prevented, namely, the allowing these superintendents to certify to the correctness of their own accounts, whether the same were for wages or property sold.

Our second proposition relates to transactions which we believe to be of recent origin, and your committee are of the opinion, that they are confined to the operations of this particular commissioner. We particularly allude to payments that have been made to several individuals for the building of bridges where the Clinton and Kalamazoo canal crosses or will cross their farms when constructed, and this too before the bridges were built, and without any evidence that any thing had been done towards their building. What renders this still more objectionable, is, that the vouchers show that the bridges have been built and the labor performed.

It further appears that the Auditor General, nor the board of internal improvement, knew nothing of the circumstances.

In our third proposition, we would call the attention of the House to an item in the accompanying documents, where it will appear that twenty-one hundred cords of wood, or thereabouts, were purchased by this commissioner before the road went into operation, and long before any thing like that quantity could be wanted by the state. The loss by fire and otherwise, of a considerable portion of the same since, has convinced all, that the state again must pocket the loss.

Another subject, in connection with this part of our inquiry, may not improperly be alluded to. It appears by the testimony that was elicited during the course of this examination, that John Beach was instructed to purchase in this city, articles of provisions and groceries, and ship them for Saginaw, to the care of

one Gardiner D. Williams. The purchases were made in the fall of 1837, to the amount of about \$4,000, and paid for by Mr. Hunt, which transaction will ultimately cost the state several hundred dollars; as some of the property was sold on credit, and other part for wild c. money, which is now totally worthless, and will in all probability continue so. Your committee cannot help believing that this transaction was entirely unwarranted by law, as it was inexpedient, unnecessary and unwise.

In support of our fourth proposition, the testimony of Mr. Adams, the clerk of the board of commissioners of internal improvement, is most important. His testimony established the facts, that he was boarding at the time at the house of the collector of this port, and that Mr. Hunt requested him to say nothing on the subject of these blankets.

As the matter has been a subject of indictment, the House and the country, no doubt, have the necessary information concerning it. Yet your committee cannot well pass it by without giving an opinion.

It seems to them that the credit of the state should be placed in hands that will not disgrace it, and whose example would inculcate virtue rather than vice. It would seem to be unnecessary to attempt to prove that this commissioner has manifested rather a desire to subserve his own interests than those of the state.

After making the statements we think we are warranted in setting forth in this report, yet if further testimony is sought, it will be found in most, if not all of his votes cast, as a member of the board of internal improvement, affecting his own interests; and when the board were equally divided, his casting vote would determine the question in his own favor.

How far this may be thought to be correct and proper, your committee will not pretend to determine: yet your committee are of opinion that a contrary course would probably have placed Mr. Hunt's pecuniary matters, as well as his conduct, in a different position before the House and the country.

Your committee have had occasion to observe through the course of this examination, that General Humphrey, as also Mr. Lothrop, since he became a member of the board, have uniformly sustained Mr. Hunt in all his positions.

It will also be perceived that Obed Smith was paid by Mr. Hunt's agents, for services as a superintendent, while at the same time, he was a contractor upon the public works.

Your committee are of opinion, from the testimony before them, that this contract to Smith was let under suspicious circumstances, without public notice, and upon better terms than others were willing to take the same.

With respect to the description of funds disbursed upon the

road, the witnesses generally testified, that it mostly consisted of the worst kind of our safety fund notes, in direct violation of the law; thereby causing the poor, hard laboring man, in many instances, to sustain serious losses, which he could ill afford to bear.

Your committee are inclined to think, that when good funds are received, either by commissioners or contractors, the operative should invariably receive the same for his labor.

Another fact that might have, perhaps, been more properly mentioned in the first part of this report, was substantiated by proof beyond a doubt, in which Mr. Hunt exhibits a perfect disregard to his own reputation.

It appears that one Cody was a contractor on the central railroad, and in presenting his final estimate for adjustment, received the sum of \$1,254, to which he was not entitled.

It seems to be the usual practice, as it regards contractors, to withhold 15 per cent from each estimate, as a guarantee for the faithful performance of the contract, which deductions are always included in the final estimate. Through negligence or some other cause, the 15 per cent was twice added to the final estimate. After the fact was known, that said Cody had been paid more than he was entitled to receive, his vouchers were placed in the hands of the Attorney General, with a view to collect the amount overpaid, previous to the Auditor General assuming his duty of examining accounts; and Wm. B. Hunt, well knowing the facts and circumstances attending the case, and while it was in course of litigation, takes one of the vouchers out of the Attorney General's hands, and presents it to the Auditor General for payment, without informing him of the facts connected with it, which that officer refused to audit, for the reasons assigned in his communication addressed to your committee and accompanying this report.

Your committee would draw your attention to the heavy amount of cost incurred by engineering on some of the works of internal improvement before closing this report.

It appears by reference to document marked (L.), that the engineering on the central railroad, up to 21st February, 1839, amounted to \$29,656 65, including \$4,851 88, expended by the company who disposed of their right to the state in 1837. And the engineering on the southern railroad, under the supervision of Gen. Humphrey, amounted to \$17,466 90, during the same period of time, as will be seen by referring to document marked (L.)

This last mentioned sum, your committee feel bound to say, as appears from the vouchers on file, has been swelled to this enormous amount by useless and extravagant expenses, justly as chargeable to any other object, as to that of internal improvement.

By referring to document marked (L.) the cost of engineering

on the Clinton and Kalamazoo canal, under the charge of James B. Hunt, will be found to amount to \$26,267 27.

Under this same Commissioner, the cost of engineering on the Saginaw canal, (document marked L,) in the year 1837, amounts to ten thousand nine hundred thirty-two dollars and seventy-eight cents, which, considering the distance surveyed, your committee conceive a very extravagant amount in one year.

Your committee now proceed to give the result of their investigation into the expenditures and other matters connected with the Southern railroad, under the supervision of Levi S. Humphrey, who received his appointment as acting Commissioner on the above road, on the 10th of May, 1837, and was re-appointed on the 9th of May, 1838.

Your committee will present the facts and statements as they appear, from the books and vouchers now in the office of the board of internal improvement, as well as from those in the office of the Auditor General, from the commencement of said Commissioner's operations up to the 21st day of February, 1839, showing a correct statement of all the expenditures up to said date, on the works under his direction.

In compliance with the request of your committee, Gen. Humphrey has furnished the following letter, with accompanying documents, marked A, B and C.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
 Detroit, April 6, 1839. }

To T. P. Tucker, Esq., Chairman of the Committee of Investigation.

DEAR SIR—

I herewith enclose a statement of the amount of moneys received by me as agent of the board for the purchase of iron, and the manner in which it has been applied, as far as payments have been made.

Also a statement of my account as acting Commissioner from the date of my report, January 1st, 1839, up to the present time.

Also copies of the resolutions of the board.

In comparing my accounts with the accounts of the Auditor General, there may be a variance on account of vouchers produced and paid by me, but not allowed by him.

Yours respectfully.

L. S. HUMPHREY.

(DOCUMENT A.)

To True P. Tucker, Esq., Chairman of the Committee of Investigation.

In pursuance with your request, I herewith present a statement of the amount of moneys received by me as agent of the board, for the purpose of paying for iron purchased under a resolution of the legislature, by virtue of the several resolutions of the board herewith submitted: being in all \$75,439 12

The above sums were placed to my credit in the Michigan state bank.

The bank has drawn a draft in favor of Hicks & Co., of New York, for \$28,000 00

They have also drawn a draft in favor of J. H. Whitney, for 6,207 91

Both of which have been paid.

They have also drawn a draft in favor of Benedict and Corning, of Albany, 5,000 00

The balance due Hicks & Co. of \$19,000, and the amount due Davis, Brooks & Co. for \$15,103 12, Mr. Norton agreed to arrange in New York. I have been advised that they were not paid. I have since made an arrangement with Davis, Brooks & Co. according to their request, and obtained a draft on the Bank of the River Raisin, for 15,000 00 payable in New York at ninety days, which is satisfactory to them and made at their request.

I have paid Messrs. J. L. Whiting & Co., for transportation, 1,200 00

Which leaves in my hands, 20,081 21

I have now in my hands the warrants of the Auditor General, for the sum of twenty thousand dollars, which might be applied on that account if it should not be settled by Mr. Norton.

(DOCUMENT B.)

Resolutions of the board:

"Resolved, That the Auditor General be directed to draw his warrant in favor of Levi S. Humphrey, agent of the board of internal improvement, to purchase railroad iron, the sum of twenty-eight thousand dollars, to pay for railroad iron purchased for the state, by Hicks & Co. of New York."

Adopted January 9th, 1839.

YEAS—Mr. Bert, Mr. Mizner, Mr. Hunt, Mr. Robinson, Mr. Lothrop—5.

NAYS—0.

" Resolved, That the Auditor General be directed to draw his warrant in favor of L. S. Humphrey, agent of the board of commissioners, for the purchase of 100 miles of railroad iron, under a resolution of the legislature, passed 6th April, 1838, in sum of thirty-two thousand three hundred and twenty-eight dollars and nine cents, for the purpose of making advances on said iron and for the payment of freight."

Adopted January 14th, 1839.

YEAS—Mr. Humphrey, Mr. Mizner, Mr. Hunt, Mr. Robinson, Mr. Lothrop—5.

NAYS—0.

" Whereas there is still due Messrs. Hicks & Co., of New York, for iron, the sum of \$19,000, to James H. Whitney, the sum of \$6,207 91, for iron and charges thereon; to J. H. Whitney the sum of \$3,864 96, for iron and charges thereon; to Davis, Brooks & Co., of New York, the sum of \$15,103 12, for iron; to Edward Whalin, the sum of \$3,260 13, for freight of iron; making in the whole the sum of \$47,439 12, and for which an order on the Auditor General in favor of L. S. Humphrey, for \$32 - 328 09 has been allowed by the board; leaving an unpaid balance of \$15,111 03:

Therefore, Resolved, That the Auditor General be requested to draw his warrant in favor of L. S. Humphrey for the sum of fifteen thousand one hundred and eleven dollars and three cents, for the purpose of paying for iron, and transportation and charges thereon; purchased under a joint resolution of the legislature.

Adopted February 12th, 1839.

YEAS—Mr. Burt, Mr. Lothrop, Mr. Hunt, Mr. Humphrey, Mr. Robinson—5.

NAYS—0.

Statement of account of Levi S. Humphrey, Acting Commissioner, from January 1st, 1839.

(DOCUMENT C.)

1839.

Jan. 18.	Received warrants of Auditor General,	\$20,000 00
Feb. 16.	" "	25,000 00
Mar. 14.	" "	20,000 00
		<hr/>
		\$65,000 00

1839.

Jan. 12.	Returned vouchers to Auditor General,	\$20,735 26
		<hr/>
	Carried forward,	\$ \$

	Brought forward,	\$	
Jan. 29.	for errors,	201	00
Feb. 15.	to Auditor General,	27,044	86
Mar. 13.	"	21,976	13
			<hr/>
			\$69,957 25
	Balance,		<hr/>
			\$4,957 25
Vouchers in possession of L. S. Humphrey, for expenses of survey in Cass county, not paid by Auditor General,		\$3,194	88
Less amount of pay roll, voucher number 14, which is twice credited,		1,079	54
			<hr/>
			\$2,115 34
Vouchers in possession of L. S. Humphrey, for expenses of survey in Cass county, not paid by the Auditor General,			
			<hr/>
			\$1,805 57
			<hr/>
			\$3,878 10

The \$2,115 34, is credited the state in the report of L. S. Humphrey, Acting Commissioner, he having received up to December 31st, \$175,000 00, instead of \$177,115 34.

Your committee may remark, that the latter document shows the amount of moneys received and expended by Mr. Humphrey since the date of his last report to the legislature, up to the 14th of March, 1839, being 21 days later than this investigation extends.

By reference to Gen. Humphrey's report to the board of internal improvement, up to the 1st of January, 1839; it appears that his expenditures on the southern railroad were, \$248,685 28; and vouchers since that period, have been duly audited, to the amount of \$47,981 12, which, added to the above, will make the total amount of his expenditures, up to the 21st day of February, 1839, equal to \$296,666 35; whereas, the amount actually expended by him, to the 21st of February, 1839, as appears from the books and vouchers duly audited and deposited in the office of the board of internal improvement, and Auditor General's office, is only \$278,467 50, which, subtracted from the above sum of \$296,666 35, which Gen. Humphrey states as his expenditure, leaves a difference in his statement of vouchers, up to January 1st, 1839, of \$23,198 85; showing an error in his own statement and report to the president of the board, on the 1st of January, 1839, of this last sum, viz: \$23,198 85.

From the above statement, your committee must come to the

conclusion that Gen. Humphrey intended to deceive the board of internal improvement, and through them the legislature, by his report, conveying to them the idea that he had expended this amount of \$23,198 85, and had the vouchers on file to warrant the same; whereas, the facts of the case show a far different state of things, viz: that this amount had never been audited, or even in existence, other than fictitiously, and should never have appeared in his report.

It will be seen by reference to document marked (A.) how far Gen. Humphrey acted in good faith, as agent of the board of internal improvement, and in whose hands \$75,489 12, was placed, for the purpose of paying for iron, according to the resolutions of the board, (Doc. B.) One thing is certain, that a large portion of the money yet remains unpaid, as appears by his statement; and the other portion that he alleges to have been paid, no vouchers, as yet, appear to have been filed in the office of the board.

Allowing that \$35,407 91 to have been paid, there still remains unpaid \$40,081 21, which Gen. Humphrey states, (Doc. A.) was to have been paid by John Norton, jr., as per agreement, in New York.

This amount, it seems, has not been paid by Mr. Norton to these different individuals in New York, and it will be perceived that on receiving advice of its non-payment, Gen. Humphrey states he has made an arrangement with Davis, Brooks and Co. according to their request, and obtained a draft from the Bank of the River Raisin, for the sum of \$15,000, payable in New York at ninety days. Allowing the deduction of this sum from the above amount of \$40,081 21, it will leave in his hands \$25,081 21 yet remaining unpaid.

Further, Gen. Humphrey states there is now in his hands, warrants of the Auditor General to the amount of \$20,000, which might, he says, be applied on the iron account, should Mr. Norton fail to pay the same.

Your committee are at a loss to conceive how this sum of \$20,000, audited by the Auditor General on the 14th of March, 1839, could in any wise apply on the iron account, for which the adequate sum of \$75,489 12 was expressly provided.

If this twenty thousand dollars, or any part of it, makes a portion of the payments intended for iron, how can the amount of \$75,489 12 be accounted for.

Your committee are given to understand that this twenty thousand dollars was expressly intended for payments due on the road, and for which vouchers to that amount have been audited on the very day the said twenty thousand dollars was obtained.

For a particular explanation of the amounts of money expended by Gen. Humphrey on the Southern railroad, your com-

mittee would call your attention to the annexed abstract, marked (E,) together with the explanatory note thereto attached.

It appears from a statement of the secretary of the board of internal improvement, copied from the books of said office, that Gen. Humphrey received moneys from May 18th, 1837, to April 7th, 1838, to the amount of \$72,224 84, and had returned vouchers to May 18th, 1838, only for \$38,090 06, leaving a balance of \$36,134 78 unaccounted for under the administration of the former board, as will appear from document marked (E,) but since the Auditor General has been empowered to examine accounts, this defalcation, by the strict attention of that officer, has been reduced to \$18,656 16, by compelling Gen. Humphrey to apply the warrants issued by him upon moneys previously advanced to the 7th of April, 1838.

By reference to the condensed abstract marked (F,) containing the entire substance of all the vouchers, showing their total amount, as well as their numbers, from the organization of the first board of internal improvement, up to the 21st of February, 1839, it will be seen that Gen. Humphrey has actually accounted for \$273,467 50.

On referring to document marked (E,) it appears that the amount of cash actually received by General Humphrey, from May eighteenth, eighteen hundred and thirty-seven, to April 7th, 1838, was \$72,224 84, as taken from the books during said year, and previous to the Auditor General exercising the powers of his office.

By a further reference to the statement of the Auditor General, up to the 21st of February, 1839, it will be seen, that General Humphrey received from him warrants to the amount of \$220,080.

These two last named sums added together, make the total amount of moneys to the 21st of February, 1839, received by Gen. Humphrey, equal to \$292,224 84; from this last sum deduct the amount of his vouchers to same date, \$273,467 50, and it will show a deficiency by Gen. Humphrey, of \$18,757 34 now due to the state, and for which there is not even a shadow of explanation offered.

It will be remembered, the \$75,439 12, which General Humphrey placed in the State bank to his credit for the purchase of iron, forms no part of the above accounts of expenditures, being a separate and distinct transaction for the unpaid balances of which the state is held responsible until they are liquidated according to contract.

Without reference to the amount of \$23,198 85, which should not have appeared in his report of the 1st of January, 1839, to the board of internal improvement, and the mysterious, unwarrantable disposition of a large portion of the \$75,439 12, entrust-

ed to Gen. Humphrey to pay forthwith on the contract for iron in New York, your committee can have no hesitation in saying that he is a defaulter to the state for the aforesaid sum of \$18,757 34.

As for the other two sums alluded to, we leave it to the legislature to draw their own inferences from Gen. Humphrey's own statements.

Your committee, before concluding, would notice a circumstance arising out of Gen. Burdick's quitting the board. It appears that Gen. Burdick was appointed president of the board of internal improvement, in May, 1837, and continued to act in that capacity until May, 1838, during which time, Mr. Adams, the clerk of the board, received the tolls on the central railroad, principally in notes of safety fund banks; and on the 8th of February, 1838, said Adams placed in the hands of Gen. Burdick \$680 50, and on the 14th of the same month, \$666 05, also on the fourteenth day of March, the further sum \$1,600, in all \$2,946 64.

This amount was placed by Gen. Burdick in the Michigan state bank, to his credit, in the same funds received, there being no provision made by law at the time for the deposit of these funds.

When Gen. Burdick retired from office, he gave to J. B. Hunt, a check on said bank, for the above amount, which was subsequently handed over to the late Dr. Alden, upon which he received the sum of \$1,000, in city funds, as a part of said amount, leaving a balance of \$1,946 64, which still remained to be paid on said check, (see Document G.)

Perhaps it may be necessary for your committee to explain why this amount yet stands in Gen. Burdick's name.

At the time the late Dr. Alden received the \$1,000, the balance was offered him in chartered funds of the state, which he declined receiving.

This accounts for it still remaining in bank, to the credit of Gen. Burdick.

The bank has, at all times, been ready to pay the same, and is now ready to pay the check, when presented, in good chartered funds, as appears from Mr. Norton's letter to Gen. Burdick.

Your committee, in closing their remarks, would briefly say, that so far as the accounts of Messrs. Burdick and Barbour of the first board, and the late Dr. Alden, together with Messrs. Mizner, Robinson, Burt and Lothrop, are concerned, there is nothing appears to render them otherwise than satisfactorily explained and adjusted.

Your committee deem it necessary to express their opinion, that many and beneficial changes might be effected in this important branch of the public business; the nature and perfection of

which, they leave to the wisdom of your honorable body to effect.

All of which is respectfully submitted,

T. P. TUCKER,
Chairman of Committee.
 HENRY ACKER,
 IRA JENNINGS.

DOCUMENTS.

General abstract of the Expenditures on the Central Railroad.

Central railroad; D. C. McKinstry, commissioner. Vouchers in the office of the board of internal improvement; Nos. 1 to 23, and 1 to 701 inclusive.

Construction,	\$52,907 76
Provisions,	13,716 22
Implements,*	13,512 97
Depot,	6,227 06
Engineers' wages,	2,208 96
Machinery,	1,259 95
Right of way,	740 10
Board,	157 59
Office,	94 90
Stationery and printing,	46 75
Travelling expenses,	24 54
	<hr/> \$90,896 08

Recapitulation.

Construction,	\$55,907 76
Engineering,	2,532 74
Depot and machinery,	7,487 01
Right of way,	740 10
Implements,	13,512 97
Provisions,	13,716 22
	<hr/> \$90,896 80

Total amount expended by D. C. McKinstry, acting commissioner, \$90,896 80
 Total amount of warrants drawn in D. C. McKinstry's favor, \$90,896 80

* "Implements" here includes tools for the work, cooking utensils, all hardware purchased, &c. &c.

Central railroad and depot; H. Alden, acting commissioner.
Vouchers in Auditor General's office; Nos. 1 to 506 inclusive.

Construction,	\$40,303 67
Machinery,	20,202 25
Engineers' wages,	5,607 04
Depot and wood shed,	3,917 09
Board,	954 28
Implements,	822 12
Right of way,	328 50
Stationery and printing,	328 46
Office,	120 05
Travelling expenses,	50 18
	<hr/> \$72,633 64

Amount of vouchers returned to Auditor General, 72,633 64

Central railroad and depot, (between the decease of Dr. Alden and appointment of E. H. Lothrop.) A. H. Adams, secretary of the board of internal improvement. Vouchers in Auditor General's office.

Construction,	\$11,630 15
Machinery,	3,610 01
Wages,	1,282 34
Depot,	1,268 76
Implements,	618 91
Board,	165 00
Travelling expenses,	16 12
Right of way,	2 75
	<hr/> \$18,594 04

Amount of vouchers returned to Auditor General, 18,594 04

Central railroad; E. H. Lothrop, acting commissioner. Vouchers in Auditor General's office, Nos. 1 to 244 inclusive.

Construction,	\$20,643 79
Wages,	5,068 36
Machinery,	4,273 23
Right of way,	3,022 88
Depot,	1,300 55
Board,	313 83
Stationery and printing,	212 23
Travelling expenses,	44 61
Instruments,	36 75
Office,	26 11
	<hr/> \$34,942 34

Amount of vouchers returned to Auditor General, 34,942 34

Central railroad; vouchers in Auditor General's office, Nos. 1 to 64 inclusive. L. B. Mizner, acting commissioner.

Construction,	\$2,204 87	
Depot and water stations,	966 44	
Right of way,	348 82	
Board,	287 21	
Machinery,	244 83	
Wages,	214 74	
Implements,	143 00	
Printing,	41 00	
Travelling expenses,	20 12	
	<hr/>	\$4,471 03

Amount of warrants received by
L. B. Mizner, acting commissioner,
from the Auditor General, up to 21st
Feb. 1839, \$5,000 00

Amount of vouchers re-
turned to the Auditor Ge-
neral, \$4,471 03

Amount of salary, 435 25

Cash paid Henry How-
ard, Treasurer, in full of
advance of \$5,000, 93 72

5,000 00

(E.)

*General abstract of the Expenditures on the Southern Railroad,
L. S. Humphrey, Acting Commissioner.*

Southern railroad; vouchers in the office of board of internal
improvement, Nos. 1 to 393 inclusive.

Construction,	\$28,713 43	
Wages of engineers,	10,597 66	
Board,	1,389 02	
Travelling expenses,	1,362 38	
Provisions,	1,257 44	
Implements,	1,195 23	
Instruments,	399 97	
Stationery and printing,	242 07	
Office,	169 27	
Medicine,	163 00	
Cash,	24 75	
	<hr/>	\$45,524 21

Carried forward, \$ \$

Brought forward,
 Vouchers in Auditor General's office,
 Nos. 1 to 781 inclusive.

1838.

Construction,	\$155,028 91½	
Bridges and depot,	32,860 68	
Wages of engineers,	12,735 34	
Right of way,	8,202 35	
Board,	6,239 89	
Travelling expenses,	925 09½	
Instruments,	483 72½	
Office,	472 90½	
Stationery and printing,	389 43½	
		217,338 3

1837 and 1838.

Havre branch railroad; vouchers in the office of
 board of internal improvement, Nos. 1 to 13 inclu-
 sive. Vouchers in Auditor General's office, Nos.
 1 to 26 inclusive.

Board,	\$359 22	
Wages of engineers,	485 27	
Travelling expenses,	34 01	
Stationery and printing,	8 50	
Instruments,	8 25	
Office,	15 59	
		910 84

1837.

St. Joseph river survey; vouchers in the office
 of the board of internal improvement, parcels
 marked (A) Nos. 1 to 22; (B.) Nos. 1 to 15; (C.)
 Nos. 1 to 23; (D.) Nos. 1 to 10; (E.) Nos. 1 to
 10 and 6, 7, 8.

Wages of engineers,	\$3,359 28	
Provisions,	896 99	
Travelling expenses,	610 44	
Board,	382 67	
Implements,	321 32	
Office, (Cash \$51.13.)	99 28	
Instruments,	72 75	
Stationery,	40 45	
		5,783 16

1838.

Cassopolis survey.

Total amount of expenses of engineering,

3,910 96

\$273,487 50

Condensed abstract of the foregoing,

Southern railroad construction,		\$183,742 33½
Southern railroad engineering,	\$36,861 94½	
Havre branch railroad engineering,	910 84	
St. Joseph river survey do	5,783 16	
Cassopolis survey do	3,910 96	
		<hr/> 47,466 90½
Southern railroad bridges and depot,	32,360 68	
do do right of way,	8,202 35	
do do implements,	1,195 23	
		<hr/> 42,258 86
Total amount of expenditures, by L. S. Humphrey, acting Commissioner.		<hr/> \$273,467 50

Southern Railroad.

Total amount of warrants received by L. S. Humphrey from the auditor of the board of internal improvement, up to April 7, 1838,	\$72,224 84
Amount of warrants received from the Auditor General up to February 21st, 1839,	220,000 00
	<hr/> \$292,224 84
Total amount of expenditures on southern rail- road by L. S. Humphrey, as per vouchers returned to the above officers,	273,467 50
	<hr/>

Balance due the state by L. S. Humphrey on
the 21st February, 1839, \$18,757 34

NOTE. Gen. Humphrey has vouchers to the amount of \$1,-
805 57, which have not been audited. There is an amount of
\$1,233 04 of property, including \$233 16 cash, obtained by H. L.
Stewart of the St. Joseph river survey, for the disposition of
which there are no vouchers or other evidence.

The term "implements" includes all articles necessary to an
enginner's party, such as horses, cooking utensils, tents, &c.

"Engineering" in all the abstracts, includes wages, board, tra-
velling expenses, instruments, stationery, office rent, &c.

HOUSE DOCUMENTS.

Levi S. Humphrey, Acting Commissioner.

DR.

1837.			
May 18.	To warrant from auditor of board,		\$10,000 00
Aug. 30.	do do		10,000 00
Dec. 18.	do do		10,000 00
1838.			
March 1.	do do		2,224 84
9.	do do		10,000 00
April 7.	do do		30,000 00
			<hr/>
			\$72,224 84

CR.

1838.			
Jan. 13.	By instruments,	\$340 00	
	Havre branch railroad,	61 74	
	Southern railroad,	12,265 07	
		<hr/>	\$12,666 81
April 7.	Survey St. Joseph river,	\$5,627 15	
	Havre Branch railroad,	235 99	
	Southern railroad,	17,560 11	
		<hr/>	23,423 25
July 25.	Southern railroad,	15,358 65	
	Survey St. Joseph river,	156 00	
		<hr/>	*15,514 65
Oct. 26.	Southern railroad,		*1,963 97
	Balance,		18,658 16
			<hr/>
			\$72,224 84

March 27, 1839.

*General Abstract of the Expenditures on the Central Railroad
and other works. J. B. Hunt, Commissioner.*

1837-8.

Central railroad; vouchers in the office of
board of internal improvement, Nos. 1 to 1,414
inclusive,

Construction,	\$164,103 25
Machinery,	29,180 07

Carried forward,

*These items were audited by R. Abbott, Auditor General, to apply on advance prior
to May, 1837.

Brought forward,

Provisions,	\$13,195 65	
Wages of engineers,	9,665 04	
Implements,	4,882 98	
Board,	1,322 33	
Depot,	2,202 36	
Office,	776 32	
Right of way,	720 13	
Travelling expenses,	361 97	
Stationery and printing,	209 69	
	<hr/>	\$226,619 74

1837.

Clinton and Kalamazoo canal ; vouchers in the office of board of internal improvement, Nos. 1 to 114 inclusive.

1838.

Vouchers in the office of Auditor General, Nos. 1 to 167, inclusive.

Construction,	\$26,868 86	
Wages of engineers,	20,580 01	
Wood,	2,387 26	
Bridges,	1,320 81	
Implements,	1,371 94½	
Travelling expenses,	1,052 36½	
Right of way,	2,532 27	
Provisions,	1,549 70	
Instruments,	274 89	
Stationery and printing,	328 39½	
Office,	94 65½	
	<hr/>	58,661 10

1837.

Saginaw canal ; vouchers in office of board of internal improvement, Nos. 1 to 42 inclusive.

Wages of engineers,	\$4,763 00	
Provisions,	4,526 27	
Travelling expenses,	726 44	
Board,	450 89	
Implements,	420 94	
Stationery and printing,	28 47	
Office,	10 68	
Instruments,	6 09	
	<hr/>	10,932 78

1837-8.

Northern railroad ; vouchers in office of board

Carried forward,

Brought forward,
of internal improvement.

Wages of engineers,	\$3,397 37	
Provisions,	1,172 96	
Implements,	464 96	
Board,	623 70	
Travelling expenses,	571 18	
Office,	72 69	
Stationery and printing,	64 46	
Instruments,	23 15	
	<hr/>	\$11,390 67

1837.

Kalamazoo river survey; vouchers in office of
board of internal improvement.

Wages of engineers,	\$1,024 24	
Implements,	137 50	
Provisions,	65 35	
Travelling expenses,	55 00	
Board,	32 75	
Stationery,	22 00	
	<hr/>	1,336 84

Total am't of J. B. Hunt's expenditure, \$206,941 19

Condensed abstract of the foregoing.

Central railroad; Clinton and Kalamazoo canal.

Construction,	\$177,298 90	
do	26,868 86	
	<hr/>	\$204,167 76

Central railroad; Clinton and Kalamazoo canal;
Saginaw canal; Northern railroad; Kalamazoo
river survey.

Engineering,	\$12,335 30	
do	26,267 27½	
do	10,511 84	
do	11,390 67	
do	1,336 84	
	<hr/>	61,841 92½

Central railroad.

Machinery, right of way, implements
and depot,

\$36,985 54

Clinton and Kalamazoo canal.

Bridges, implements, and right of
way,

5,525 02½

Saginaw canal.

Carried forward,

HOUSE DOCUMENTS.

309

Brought forward	\$	\$
Implements,	420 94	
	<hr/>	42,931 50½

Total amount,		\$308,941 19
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J. B. Hunt, *Dr.*

Amount of moneys received up to February 21st, 1839, as per books of the board of internal improvement, \$325,000 00

Amount paid G. Leach,	500 00	
	<hr/>	325,500 00

Cr.

Amount of vouchers returned to office of the board of internal improvement, and Auditor General's office,		308,941 19
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Balance,		\$16,558 61
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Amount advanced contractors by order of board of internal improvement,		15,000 00
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Balance,		\$1,558 81
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Notes to the amount of \$146 77 are at present in the hands of Mr. Hunt, from different individuals, in exchange for property sold them, which became due during the past year.

General abstract of the expenditures on the Northern Railroad and Saginaw Canal. W. A. Burt, Commissioner, (appointed May 9th, 1838.)

Northern railroad; vouchers in Auditor General's office, Nos. 30 to 36, and 1 to 102 inclusive.

Construction,	\$10,763 37	
Wages,	4,955 41	
Board,	1,211 67	
Travelling expenses,	357 40	
Provisions,	340 70	
Office,	69 21	
Stationery and printing,	129 34	
Instruments,	18 38	
Right of way,	6 00	
Implements,	213 50	
	<hr/>	\$18,064 08

Carried forward,	\$
95	

Brought forward,
Saginaw canal; vouchers in Auditor General's
office, Nos. 1 to 28 inclusive.

Construction,	\$8,697 09	
Wages,	8,626 65	
Provisions,	194 22	
Board,	108 87	
Travelling expenses,	62 60	
Instruments,	62 50	
Stationery and printing,	53 51	
Implements,	14 04	
Office,	12 34	
		10,831 82
Grand total		\$28,895 95

Condensed Abstract of the above.

Northern railroad, construction,	\$10,763 37	
Saginaw canal, do	6,097 09	17,410 46
Northern railroad, engineering,	\$7,081 21	
Saginaw canal, do	4,120 69	11,201 90
Northern railroad, right of way,	\$6 00	
do implements,	213 50	
Saginaw canal,	14 04	233 54
Grand total, to 6th March, 1830,		\$28,895 90

Dr.

Amount of warrants received by Wm. A. Burt,
from the Auditor General, \$28,895 90

Or.

Amount of vouchers returned to
Auditor General, 28,895 90

*Abstract of the expenditures on the Grand and Kalamazoo rivers'
survey and Saint Ste. Marie Canal. Rix Robinson, acting
commissioner. (Appointed May 9th, 1838.)*

Grand river survey; vouchers in Auditor General's office, Nos.
1 to 67 inclusive.

Labor,	\$8,311 68
Implements,	1,607 18

Carried forward,

Brought forward,	
Wages of Engineers,	1,970 13
Board,	1,566 86
Provisions,	95 70
Cash,	50 00
Office,	28 00
Travelling expenses,	25 87
Stationery and printing,	17 12
	<u>\$13,679 56</u>

Kalamazoo river survey ; vouchers in Auditor General's office, Nos. 1 to 7 inclusive.

Labor,	2,300 00
Wages of engineers,	491 75
Travelling expenses,	23 37
Board,	16 10
Stationery and printing,	13 75
Provisions,	11 60
Implements,	10 25
	<u>\$2,966 82</u>

Sault Ste. Marie canal survey ; vouchers in Auditor General's office.

Wages of engineers,	\$502 75
Travelling expenses,	164 85
Stationery and printing,	34 75
Board,	18 00
Instruments,	3 94
	<u>724 29</u>

\$17,263 67

1837-8.

Expended by J. Alling on the Sault Ste. Marie canal for engineering, \$1,152 27

Total amount, \$18,415 94

expended by Rix Robinson on the above works.

Grand and Kalamazoo rivers' surveys, Grand and Kalamazoo and Sault Ste. Marie.

Labor,	\$10,611 78
Engineering,	7,804 26
	<u>\$18,415 94</u>

Amount expended by Rix Robinson, \$17,263 67
 Add for salary, 550 46
\$17,814 13

Carried forward,

Brought forward, \$

This amount agrees with Mr. Robinson's report, though the items are different, he having divided his salary among the different works in proportion to the expenditure.

Amount of warrants received by Rix Robinson, Acting Commissioner, from the Auditor General, up to 21st Feb., 1839, \$20,000 00

Amount of vouchers returned to Auditor General, 17,814 13

Balance,

\$2,185 87

Statement of the Expenses of running the Cars and Repairs of the Central Railroad, from March 8th, 1838, to March 26th, 1839.

A. H. Adams, secretary of the board, from March 8, to May 19th, 1838.

Repairs and finishing route,	\$999 32
Wood and sawing it,	807 46
Engineers' wages,	471 62
Weighing and loading freight,	258 00
Depot and water stations,	498 98
Machinery and cars,	688 14

\$3,723 52

L. B. Mizner, acting commissioner from May 23d to June 25th, 1838.

Wood and sawing it,	\$273 37
Oil,	92 50
Engineers' wages,	265 00
Weighing and loading freight,	435 24
Depot and water stations,	897 62
Machinery and cars,	1,462 27
Repairs and finishing road,	100 00

\$3,517 00

H. Alden, acting commissioner from June 27th, to October 6th, 1838.

Repairs and finishing road,	\$1,292 29
Wood and sawing it,	29 30
Oil,	7 00
Engineers' wages,	1,269 14
Weighing and loading freight,	946 36

Carried forward, \$

\$

\$

Brought forward,	\$		\$
Machinery and cars,	701	68	
Depot and water stations,	698	66	
			<u>4,944 43</u>

\$12,184 95

Deduct for repairs of road,	2,391	61	
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Expense of running cars,			<u>\$9,793 34</u>
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From August 7th, 1838, to March 26th, 1839, inclusive.

H. Alden, acting commissioner, Central railroad.

Repairs on road,	\$9,028	34	
Wood and sawing,	126	16	
Oil,	943	87	

Wages of engineers, firemen, way collectors and machine shop ex- penses,	4,857	92	
--	-------	----	--

Depot and water stations, expenses of weighing freight,	3,716	75	
--	-------	----	--

Rent of storehouse,	60	00	
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Offices of collectors of tolls, central railroad,	83	94	
--	----	----	--

18,816 98

A. H. Adams, secretary of board internal im-
provement.

Repair on road,	\$2,269	07	
Wood and sawing,	55	61	
Oil,	1,162	47	

Wages of engineers, firemen, way collectors and machine shop ex- penses,	2,928	59	
--	-------	----	--

Depot and water stations, expenses of weighing freight,	1,782	77	
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Rent of storehouse,	60	00	
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Collector's office,	23	39	
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8,281 90

E. H. Lothrop, acting commissioner central rail-
road.

Repairs on road,	\$607	03	
Wood and sawing,	841	25	

Wages of engineers, firemen, way collectors and machine shop ex- penses,	3,314	17	
--	-------	----	--

Carried forward,

HOUSE DOCUMENTS.

Brought forward,	\$	\$
Depot, water stations, and weighing freight,	1,515 62	
Rent of storehouse,	120 00	
Collector's office,	19 13	
Ox killed and costs of suit,	78 88	
	<hr/>	6,496 28
Total amount,		\$23,595 16
P. Teller's account for oil, not audited or paid,		607 50
J. B. Hunt, acting commissioner central railroad.		
Provisions,	\$15 00	
Oats,	7 13	
Wood,	2,559 34	
Cleaning track, &c.	758 13	
Oil,	584 99	
Water stations,	92 47	
Fees of suit,	5 00	
	<hr/>	4,002 06
Total amount,		\$38,204 72
Deduct repairs on road and finishing it,		11,904 44
		<hr/>
		\$26,300 28
Brought forward,		9,793 94
		<hr/>
Total expenses of running cars up to March 26, 1839.		\$36,094 22
Amount of tolls received from January 10, 1838, to March 26, 1839,		91,086 76
		<hr/>
		\$54,992 54

Abstract of the expenditures on the various works of Internal Improvement.

Central railroad, D. C. McKinstry, commissioner.		
Construction,	\$88,304 06	
Engineering,	2,532 74	
	<hr/>	\$90,896 80
Central railroad, J. B. Hunt, commissioner.		
Construction,	\$214,284 44	
	<hr/>	
Carried forward,	\$	\$

Brought forward,		
Engineering,	12,325 30	
	<hr/>	226,619 74
H. Alden, commissioner.		
Construction,	\$45,371 38	
Machinery,	20,202 25	
Engineering,	7,060 01	
	<hr/>	72,633 64
A. H. Adams.		
Construction,	\$13,520 57	
Machinery,	3,610 01	
Engineering,	1,463 46	
	<hr/>	18,594 04
E. H. Lothrop, commissioner.		
Construction,	\$24,967 22	
Machinery,	4,273 23	
Engineering,	5,701 89	
	<hr/>	34,942 34
L. B. Mizner, commissioner.		
Construction,	\$3,663 13	
Machinery,	244 83	
Engineering,	563 07	
	<hr/>	4,471 03
Repairs of, and finishing central railroad under various commissioners,		14,296 05
Expenses of running the cars from Feb. 28th, 1838, to March 26, 1839,		36,093 02
Amount paid Detroit and St. Joseph railroad company,		116,902 67
		<hr/>
Amount expended on central railroad up to February 21st, 1839, including running of cars to March 26th,		\$615,449 93
Amount paid for right of way, and drawn by Doctor Alden, as auditor of the board,		19,810 73
		<hr/>
		\$635,060 66
Amount of engineering on the central railroad,		29,656 05
Southern railroad, L. S. Humphrey, commissioner.		
Construction,		183,742 33½
Southern railroad, engineering,	\$36,861 94½	
Havre branch do	910 84	
	<hr/>	
Carried forward,		

Brought forward,		\$	\$
St. Joseph river survey	do	5,783 16	
Cassopolis,	do do	3,010 96	
Total amount of engineering,			47,466 90½
Southern railroad, bridges and depot,		\$32,860 68	
do	right of way,	8,202 35	
do	implements,	1,195 23	
			42,258 26
Total am't of expenditures on southern railroad, to 21st February, 1889,			\$573,467 50
Northern railroad, J. B. Hunt, commissioner.			
Engineering,		\$11,390 67	
Northern railroad, W. A. Burt, commissioner.			
Construction, right of way, and im-			
plements,		10,982 87	
Engineering,		7,081 21	
Total amount of expenditures on north-			29,454 75
ern railroad, to 21st Feb. 1839,			
Clinton and Kalamazoo canal, J. B. Hunt, commissioner.			
Construction,		\$26,868 86	
Engineering,		26,267 27½	
Bridges, implements and right of			
way,		5,525 02½	
Total amount of expenditures on Clinton and Ka-			58,661 16
lamazoo canal, to 21st February, 1839,			
Saginaw canal, J. B. Hunt, commissioner.			
Amount as engineering,		\$10,982 78	
Saginaw canal, Wm. A. Burt, commissioner.			
Construction and engineering,		\$10,831 82	
Total amount of expenditures on the Saginaw			21,764 60
canal, to 21st February, 1839.			
Grand river survey, Rix Robinson, commissioner.			
Labor,		\$8,311 68	
Engineering,		5,360 88	
Carried forward,		\$	\$

Brought forward,

Total amount of expenditures on Grand river survey, to 21st February, 1839,	13,672 56
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Kalamazoo river survey, Rix Robinson, commissioner.

Labor,	\$2,300 00
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J. B. Hunt, commissioner.

Engineering,	1,903 66
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Total amount of expenditure on Kalamazoo river survey, to 21st February, 1839,	4,203 66
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Sault Ste. Marie, Rix Robinson, Commissioner.

Amount as engineering,	\$724 29
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Amount expended by J. Almy, in 1837, and '38,	1,152 27
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Total amount of expenditures, on Ste. Marie's canal,	\$1,876 56
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Statement of Property purchased and sold by D. C. McKinstry, and J. B. Hunt, Acting Commissioners.

D. C. McKinstry.

Blankets, 166 pairs,	\$639 82
Live stock, (37 yoke of oxen, 16 horses, 48 cows and calves, and 72 pigs,)	6,112 50
Hardware,	2,906 74
Dried apples,	708 59
Vinegar,	202 33
	<hr/>
	\$10,570 01

CR.

By one horse, and 23 fat cattle,	809 00
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Balance,	\$9,761 01
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J. B. Hunt.

Blankets, 205½ pairs,	\$1,133 15
Live stock, (3 yoke of oxen and 3 pigs,)	247 00
Hardware,	1,043 55
Dried apples,	68 30
	<hr/>
	\$2,492 00

CR.

By amount of appraisement of sundry articles, inventory marked A,	\$2,231 20	
Amount on file in office, credited on vouchers,	1,497 77	
Live stock, (oxen and cows),	622 50	
Pigs,	50 75	
Blankets,	11 00	
Sundries not entered in Document marked D,	362 00	
Sundries on bill marked C, on file	952 00	
	<hr/>	
	5,720 22	
Balance of D. C. McKinstry's,		9,761 01
J. B. Hunt's purchases,		2,492 09
		<hr/>
		\$12,253 10
J. B. Hunt's credit for sundries sold,	\$5,726 22	
Sundries marked E,	44 24	
Two yoke of oxen sold Williams, at Saginaw,	135 00	
	<hr/>	
		5,905 46
Balance of property apparently unaccounted for,		<hr/>
Amount of articles sold for cash, of which no entry seems to be made,		\$6,347 64
		2,057 50
		<hr/>
		\$8,405 14
The above has been prepared with as much care and attention as the nature of the documents and the amounts they exhibited allowed.		
Two horses and a harness purchased by Dr. Alden,	\$101 00	
One horse purchased by E. M. Lothrop,	56 00	
	<hr/>	
		\$157 00
This property is unaccounted for at present.		

List of Officers and Engineers paid out of the Internal Improvement Fund, 1838.

NAMES.	OCCUPATION.	ON WHAT WORK.	SALARY.	REMARKS.
Hiram Alden,	Acting com'r,	Central railroad,	\$1,250	
L. S. Humphrey,	"	Southern "	1,250	
James B. Hunt,	"	C. & Kalamazoo,	1,250	
Wm. A. Burt,	"	Northern railroad,	1,250	
Rix Robinson,	"	R. & St. Mary's C.	1,250	
L. B. Mizer,	Com'r Int. Im.,		\$3 a day,	while empl'y'd
E. I. Lothrop,	"		"	"
Amos T. Hall,	Coll'r of tolls,		1,000	
Thomas Clark,	"		900	
Alex. H. Adams,	Sec'y of B. I. L.,		1,000	
John M. Chase,	Clerk Aud Gen'l,		400	
John M. Berrien,	Chief engineer,	Central railroad,	1,800*	
A. J. Center,	Ass't "	"	1,300*	
Jacob Brown,	"	"	1,300*	
George W. Morell,	"	"	1,300*	
Edwin Rose,	"	"	1,300*	
Peter Sours,	"	"	1,300*	
Ephraim Sours,	Leveler,	"	\$3 a day,	
E. H. Murray,	"	"	"	
Hans Thielson,	"	"	"	
F. Hubbard,	"	"	"	
Geo. N. Turner,	Rodman,	"	540	
V. S. Aikins,	"	"	540	boards himself.
F. Wilson,	"	"	540	"
H. A. Hayden,	"	"	540	"
Charles D. Colman,	"	"	540	"
George H. Ford,	Flagman,	"	430	"
Jarvis Hurd,	Chief engineer,	C. & Kalamazoo C.	1,800*	
Egatus Hurd,	Ass't "	"	1,300*	
Marion Hurd,	"	"	1,300*	
Tyrus W. Hurd,	"	"	1,095	
E. R. Blackwell,	Surveyor,	"	1,095	
Azro C. Works,	2nd Ass't eng'r,	"	1,000	
Thomas J. Hunt,	"	"	1,000	
Ludwick Wesolowski,	Draughtsman,	"	1,000	
A. B. Lincoln,	Rodman,	"	456†	
Truman Andrews,	"	"	456†	
Joseph S. Dutton,	Chief engineer,	Southern railroad,	1,800*	
H. V. B. Barker,	Ass't "	"	1,300*	
Warner Stone,	"	"	\$3 a day,	
William Main,	Draughtsman,	"	3 "	
Horace Goodrich,	Rodman,	"	300	
Moses L. Bowlesby,	Superintendent,	"	312	
Henry Waldron,	Leveler,	"	\$3 a day,	
William H. Noble,	Ass't leveler,	"	12 "	
Henry Hart,	" engineer,	"	24 "	
Henry M. Smyth,	"	"	24 "	
E. G. Lapham,	Compass man,	"	2 "	
Calvin Crane,	Ass't engineer,	"	24 "	
Tracy McCracken,	Chief engineer,	Northern railroad,	1,800*	
Sanford J. Smith,	1st Ass't engineer,	"	1,300*	
William W. Fitch,	2nd "	"	1,000	
Nelson McCracken,	3rd "	"	1,000	
A. G. McKee,	Ass't engineer,	"	624	
Russell C. Smith,	Rodman,	"	312	
S. W. Hall,	Draughtsman,	"	624	
Charles B. Petrie,	Rodman,	Northern railroad,	312	

NAMES.	OCCUPATION.	ON WHAT WORK.	SALARY.	REMARKS.
Charles F. Smith,	1st Ass't engineer,	Saginaw canal,	1,300*	
Erasmus L. Woods,	Leveler,	"	750	
Chas. E. R. Winthrop,	Surveyor,	"	463*	
John Almy,	Chief engineer,	R. & St. Mary's C.	1,800	
James Lyman,	Ass't "	" "	900	
W. S. Levake,	" "	" "	900	
Hopkin S. Mills.	" "	Kalamazoo river,	900	

* In 1837, the salary of the chief engineers was \$2,000, and of the 1st assistants, it was \$1,500.

AUDITOR GENERAL'S OFFICE,)
Detroit, April 4, 1838. }

DEAR SIR—Your note as chairman of the committee of investigation has been received, requesting that I would furnish you a statement of the amount of money received by the several acting commissioners of internal improvement up to the 21st February, also a statement of the claims presented for audit and not allowed and the reason for not allowing them, and also the facts touching the disagreement that has existed in regard to the board of internal improvement.

In compliance with your request the following statement is submitted, and as near as I can recollect, from the length of time that has elapsed, contains the facts which led to that disagreement, reserving, however, all inaccuracies as respects date and the arrangement of the circumstances as they occurred.

By the act of the 6th April, 1838, the auditing of accounts for disbursements of money on the several works of internal improvement, devolved on the Auditor General, which called my immediate attention to the examination of the several acts that created the office of Auditor and his several duties.

The office of the Auditor was created by an act of the territory of Michigan, approved 5th November, 1829, page 177, 1st and 2d sections, bound vol., whereby it is made the imperative duty of the Auditor to state all accounts, and examine and liquidate the claims of all persons against, &c. The constitution of the state of Michigan provides that there shall be an Auditor General appointed, and by the act of the legislature approved 19th February, 1836, pages 43 and 44, 1st and 2d sections, it is made the duty of the Auditor General to perform and exercise the same duties and functions which were required to be performed by the Auditor of the late territory. The act of the 6th April, 1836, taken in connection with the several acts above quoted, brought me to the conclusion that all accounts for disbursement of money from the

public treasury must be audited by the proper officer, created by the constitution and the existing laws; not wishing, however, to rely wholly upon my own opinion on the several acts before mentioned, and the extent of the duties growing out of the act of the 6th April, together with the very large and immense amount of disbursements which would require to be made on the works of internal improvement, I applied to the Hon. William Woodbridge, who was chairman of the committee on finance during the winter session of the legislature of 1838, and a profound jurist, for his opinion of the act of the 6th April, 1838, and the intention of the legislature, in connection with the several acts quoted before relative to the duties of the Auditor, who in a written communication to me gave me his views on the subject, a copy of which is heretofore annexed and making part of this statement.

Immediately after the organization of the board of internal improvement, the late Hiram Alden, subscribing himself auditor of the board, commenced drawing warrants on the treasury for damages awarded by special commissioners to certain individuals along the central railroad, pursuant to an act of the 5th April, and also for labor on the said road; these warrants were in almost every case rejected by me as illegal, but received them as evidence of indebtedness, and drew warrants on the treasury in favor of the several claimants, and in some cases warrants were given on the certificate of the Secretary of State; among the latter was the claim of Conrad Ten Eyck for \$4,000.

In this state of things, the Board considering it grievous that no respect was paid to the warrants of their auditor, appointed a committee to know the reason why I refused to countersign the warrants of the auditor; my reply was, that the act of the 6th April did not recognize an auditor of their board to audit accounts and draw warrants on the treasury. The committee then informed me that the written opinion of the Attorney General had been obtained on the several interrogatories propounded by the board, which was handed me to read, and after reading his opinion, the committee was informed that although I respected his opinion, yet I did not consider myself bound by it; see act approved 28th December, 1834, pages 26 and 27, section first, pamphlet laws of the territory of Michigan. At this interview with the committee, I was informed that the board had a claim against Conrad Ten Eyck, which had not been deducted from his claim, and in order to obviate any further difficulty of a similar nature, I requested them to furnish me with a certified schedule of the names of the claimants, together with the amount due them respectively for damages, which they peremptorily refused. The auditor of the board nevertheless continued auditing accounts and drawing warrants on the treasury, which in every instance I refused to countersign. Matters continued in this way till the 21st

May, when I addressed a letter to the board, a copy of which is hereunto annexed and also made part of this statement.

Lansing B. Mizner, acting Commissioner on the central railroad, commenced operations on said road soon after his appointment, but declined receiving any money in advance until the 7th June, on which day he received \$5,000; anterior to this date to the commencement of his appointment, the accounts for construction were audited by the auditor of the board and paid by my warrants on the treasury as before mentioned. After the advance made to L. B. Mizner of \$5,000, I declined drawing warrants on the treasury for any labor or work done on the central railroad until that amount was first accounted for. On the 13th June, Mr. Mizner saw fit to resign in favor of the late Hiram Alden.

After L. B. Mizner resigned, his successor, Mr. Alden, applied for a further advance to be disbursed on the central railroad, to wit: \$5,000. Until the first advance of \$5,000 was regularly accounted for, I refused making any further advances. Mr. Alden then stated that the work must stop, and complained to his excellency Gov. Mason, with whom I had an interview, and after consulting with him it was thought advisable to make a farther advance to enable Mr. Alden to progress in the work. As a number of claims for labor remained unsettled by the late board, they were presented for allowance under the act of April 6th, but being totally unacquainted with the justness of the claims, or whether they had been paid before or not, I required the affidavit of the engineer or the claim certified by the acting Commissioner, which I considered the only safe plan I could adopt to prevent any imposition that might be attempted to be practised. This course appeared to give considerable dissatisfaction to the board, and was communicated to the Governor, who requested my attendance with a view of reconciliation or neutralizing matters. After some remarks made by the board and by myself, I then informed the board that I should rigorously pursue the course I had adopted in allowing any claim; further, the board passed a resolution and ordered that the sum of \$10,000 be drawn from the treasury and placed in the hands of Doctor Alden, who was authorized by the board to pay individuals along the central railroad in anticipation of damages. This order I refused paying as the act of 6th of April did not authorize advances made for this purpose.

Claims rejected and partially allowed.

In the month of August, Mr. Adams, secretary of the board of internal improvement, presented for allowance an account of Jas. B. Hunt, for expenditures, &c. anterior to the 6th of April, and accompanied with vouchers in support thereof. Among the num-

ber were vouchers for upwards of 2,500 cords of wood. I inquired of him, (Mr. Adams,) what the object was in purchasing so much; his answer was, that about 5,000 cords had been purchased, which I considered to be a quantity far to exceed the necessary consumption that would be required; and although the accounts were audited, I retained them, being fully satisfied that the case would be investigated by the next legislature.

On or about the 11th September last, James B. Hunt, E. H. Lothrop and L. B. Mizner came to the office. Mr. Hunt presented a resolution of the board, accompanied with their order, for \$7,788 43, and required a warrant on the treasury for that amount, pursuant to the order. This amount included his claim for wood, before mentioned, another for E. Cody, and a claim for Smith, an engineer. Mr. Mizner produced the voucher of E. Cody, and inquired whether at the time of its being audited it was made known that the account had been allowed by the former or late board, and was answered in the negative.

Mr. Mizner objected to the claim being allowed.

Mr. Lothrop and Mr. Hunt entered into some explanation relative to the claim of Mr. Smith, the engineer, and the claim was taken by Mr. Burt, with a view of making some further inquiry into the case, as Mr. Smith was engineer on that part of the work under his immediate charge. I refused complying with the order of the board, and did not issue a warrant for the following reasons, viz:

1st. There was not a majority of the board without the signature and vote of Mr. Hunt, who voted on a claim in which he was altogether interested.

2d. It embraced an item for a large amount of wood purchased, an expense incident to the running the cars, and for which no provision was made by law.

3d. The claim of E. Cody for \$1,254 13, constitutes part of the amount, and had already been paid to the claimant by the late board.

4th. As considerable advances had been made James B. Hunt by the late board, (as I was informed,) had not been satisfactorily adjusted, and being fully convinced that my refusing to give a warrant for the above amount would necessarily lead to an investigation of his accounts by the legislature, that relief would be afforded him if he was entitled thereto, whereas, if otherwise, the state would suffer loss to that amount drawn from the treasury.

Claims presented for allowance, consisting of labor and damages on the Central railroad prior to 6th April, 1838.

John R. Williams, for office rent of a room for engineers, including articles lost and broken.

The above claim was allowed for the amount of rent, but the breaking of glass and loss of articles were not allowed, as I did not consider the state liable for breakage and loss of property by reason of the neglect of engineers, receiving large salaries, and who ought to have paid the damages. The board, nevertheless, by their auditor, illegally allowed the whole claim, and drew a warrant for the amount.

Joel A. Collyer, for services and damage to his horse and harness while employed in bringing in the passenger car from Dearborn to Detroit on the night of the 2d February, 1888.

This claim, when presented for audit, was composed of two items, one for the use of a horse, and the other for damages to his horse and harness. The claim for the use of the horse was admitted, but for damages I would not allow.

The account was presented to the board and ordered to be paid, to wit: twenty-five dollars.

Luther Dean, for services, &c., on the same occasion; rejected, and afterwards allowed by the board.

Claims presented under the supervision of the late Hiram Alden, Acting Commissioner, and partially allowed.

M. W. Baldwin of Pittsburgh, for materials forwarded from thence on account of the state, amounting to \$1,251 96, including \$110 50 interest, and claimed the difference in exchange between city money and Philadelphia. Mr. Baldwin stated that his visit to Detroit was not for the express purpose of collecting the debt due him by the state, but had other business to attend to. These facts coming to my knowledge, I informed him that the money was ready for him. (to wit: specie,) and would not, therefore, allow him the difference in exchange which he claimed. His account was paid on the 10th September; ten days after, the board allowed his account for the difference of exchange, to wit: \$25 04, and ordered it to be paid.

Claims rejected and partially allowed under the supervision of L. S. Humphrey, viz:

Warren Stone, assistant engineer, for repairs of an instrument, \$7 00, and at the same time charged the state \$20 00 for the use; repairs rejected, inasmuch as he was drawing pay from the state.

H. V. B. Barker's expenses to Detroit and back, rejected, not having stated what his business was.

Daniel S. Bacon, Esq., for 444 written oaths to vouchers, at different times, from the 16th of May to January, at twenty-five cents each, whereas he is only entitled by law to twelve and one-half cents; excess, \$53 28.

J. Eldred & Son, for a charge in a former account audited \$12, for sheet lead, not allowed.

J. S. & S. A. Bagg, for advertising charges in a former account, \$350, not allowed.

Henry Forrester, for services as disbursing agent, \$42 25.

Moses L. Bowlesby, for superintending on the southern road, \$92.

William Aldrich, for superintending also, \$109 50.

H. Hawkins, for superintending, \$39.

A. F. Bement, for superintending, \$51.

The four last claims were rejected, as the act of the 6th of April, 1839, provides that every acting commissioner shall direct his undivided attention and supervision to the construction of all such part or parts of the works of internal improvement as shall be allotted to him; and no agencies or deputies for the performance of the duties appertaining to said commissioner, shall be allowed or recognized.

Among the vouchers presented by Mr. Humphrey for audit, errors have been discovered, rectified, and afterwards allowed. A few were withdrawn, requiring some explanation.

All of which is respectfully submitted.

Respectfully your most obedient servant,

ROBERT ABBOTT,

Auditor General, state of Michigan.

Levi S. Humphrey has drawn from
the treasury from the 19th of May,
up to the 21st of February,

		\$220,000 00
Hiram Alden, central railroad,	\$66,133 52	
A. H. Adams, secretary,	18,594 04	
E. H. Lothrop,	40,000 00	
L. B. Mizner,	5,000 00	
	<hr/>	128,727 56
James B. Hunt,		40,000 00
William A. Burt,		28,895 80
Rix Robinson,		20,000 00
		<hr/>

\$437,623 46

N. B. The amount of advances made the several commissioners anterior to the 19th of May last, I cannot arrive at, with any degree of certainty, as their accounts of advances were not kept in the office.

As the amount stated above to have been received by E. H. Lothrop, up to the 21st of February, will exceed the amount of vouchers taken notice of by the committee, nevertheless, they have been filed in the office since the above date.

ROBERT ABBOTT,

Auditor General, state of Michigan.

Amount advanced on account of stone contract for the Clinton and Kalamazoo canal,	\$15,000
Amount paid G. Leach, for right of way, he having re- ceived credit for that amount,	500

AUDITOR GENERAL'S OFFICE, }
Detroit, 21st May, 1838. }

To the President of the Board of Internal Improvement :

SIR—I will draw warrants on the treasurer of the internal improvement fund, for any sums that may suit the convenience of any acting commissioner, to the extent of five thousand dollars, as provided and pursuant to "An act to amend an act entitled, An act for the regulation of internal improvement, and for the appointment of a board of commissioners," but in no case will I countersign any warrant drawn on the treasurer, for the disbursement of money.

Respectfully, your most obedient servant,

(Signed,)

ROBERT ABBOTT.

Mr. Woodbridge's opinion in relation to the duties of Auditor General as auditor of board of internal improvement.

DEAR SIR—In conformity with your request, I have examined the legislative acts relative to the powers and duties of the Auditor General, and also the auditor of the board of internal improvements, over the public funds to be drawn from the treasury. I have not time now to state in detail the reasons upon which I have formed an opinion on the matter: But I cannot hesitate in saying, that so far as I comprehend your own views of the matter, I consider them correct. In other words, I apprehend that none of the public funds, applicable to the objects contemplated, can be drawn from the public treasury, but upon *your* warrant, and that before *you* can legally draw such warrant, you must be satisfied by actual examination, that the account upon which such warrant is based, is correct and for objects sanctioned by the law. Certain discretionary powers are confided, it is true, to the board, and so far as the exercise of those powers is confined to the specific object and restricted within the limits prescribed by the law, that board must be left to the free exercise of that discretion; the board being accountable, not to the Auditor General, but to the legislature, for the due exercise of such discretion. For example; the acting commissioners or the members of the board, are entitled to compensation for their services, at the rate of a pre-

scribed sum, for the time actually employed in the public service, upon the certificate of the board, or of its proper officer, that a specified number of days were actually devoted to the public service, contemplated by the law, by a member of the board; and upon the exhibit and deposit with you of the proper vouchers of that fact, I apprehend such member is entitled to demand of you a warrant for the proper amount, and that it is for the *Board* and not for the Auditor to judge of the usefulness of those services, the fidelity with which the commissioner devoted himself to their performance, and the necessity or propriety of devoting so much time to the objects.

These are matters upon which the board, upon its responsibility, must judge, and these matters being judged of, and duly certified to the Auditor, or made known to him, by the proper vouchers, he, in conformity with the rule prescribed by the law, must settle the amount and issue his warrant accordingly. So of the artificers, &c., employed by the board; the board, I apprehend, must judge of the necessity of their employment, and settle the rate of their compensation, &c. These facts, being properly vouched and certified to the Auditor General, he is to compute the sum due, by those criteria, and give his warrant. There seem two classes of cases, in which, (and apparently from necessity,) this simple plan may be considered as deviated from; one, in which, pursuing the precautions prescribed by the law, a large sum of money may be advanced upon the warrant of the Auditor, for the purpose of procuring cars, railroad iron, &c., to be accounted for *afterwards*—another, in which sums of money (not exceeding \$5000.) may be *advanced* to each acting commissioner, in like manner, to be accounted for after expended. But the precautions required, and the manner in which such sums are to be advanced and accounted for, very clearly keep in view, the legality of the application of such sums, and the strict accountability of the persons through whose hands they pass and the simplicity of the general system, by which the chief fiscal officer of the government (the Auditor General) may and must, at all times, be enabled to keep the public disbursements confined to the objects indicated by the law, and at all times to be enabled by his books and vouchers, to exhibit a full view of the fiscal affairs of the government. These are the great objects which induced the creation of the office of "Auditor General;" and were it otherwise, there would be no check against illegal application of the public funds; nor would there exist proper and certain means by which, at any time, to ascertain the state of the public finances, and the condition of the pecuniary affairs of the government.

The former law (that of March 21, 1837,) exhibited, it seems to me, a perfect anomaly. By it a set of men having control of immense funds; being responsible only to one of their own board,

to be selected and displaced at their own pleasure, could apply or misapply those funds as they might please, and without the legal control of either the Auditor General or the State Treasurer: what power did there exist in the government in the absence of the legislature, to prevent them from any improper waste of the public treasure? And to what public officer could resort be had to ascertain, at any time, the state of public finances?

It was in view of evils and dangers and inconveniences like these, that the amendatory law of April 6, 1838, was undoubtedly passed, and that law must be construed with reference to those evils and with reference to the manifest intention which it discloses of enforcing a more strict accountability, of preventing any *intentional* or *accidental* misapplication of the funds, and of restoring to the principal fiscal officer of the state (the Auditor General) that controlling influence over the application of the public funds, which every *republican* government has ever, I believe, considered essential to the public safety. The legislature has thought proper to define a certain sum to be appropriated on the "Central railroad:" can a *larger sum* be applied there? This cannot now be, for the board has no longer an unlimited control. The Auditor General must see, upon his official responsibility, that for *such* a purpose the warrants he issues are restrained within the limits of each specific appropriation. His books will always show this fact. The Treasurer, upon such construction of the act of 1838, can never pay out the public money except upon the warrant of the Auditor General; and *therefore, such a misapplication* of the public funds cannot occur; but if the board itself, or its auditor, were competent at pleasure to draw its own warrant upon the Treasurer and the Auditor General likewise, there would be no such check, and the whole objects of the law of 1838, might be repealed. It is manifestly contemplated by the act of 1838, that the moneys on each route should go through the hands of the acting commissioner for that route. It is manifestly intended that *he* should settle with the Auditor General for his disbursements on that route, and yet this would be idle, if the money could be procured upon the warrant of the auditor of the board; and the restriction which limits the sum in the hands of the acting commissioner to \$5000, would be idle too.

I could dissect the several acts relative to this subject, and review each clause and compare them all together, and I am satisfied that such critical examination would result in the same conclusion, and the whole taken together, would be found reconcilable with no other construction than the one which it is the object of the foregoing observations to enforce, but I have not time now to do it. The theoretic evils of the former act are apparent. The intention of the last act, is, I think, manifest, and the whole

should be so construed as to obviate those evils, and give effect to that intention; and that, I think, can only be effected by referring to the Auditor General that controlling influence, which it is the clear intention of his office that he should exercise.

(Signed,)

WM. WOODBRIDGE.

(G.)

A statement of moneys, &c., remaining in the hands of Hiram Alden, acting commissioner, at the time of his decease, and ordered to be placed in the hands of E. H. Lothrop, acting commissioner, by order of the board, January 14, 1839.

Bills of the Bank of Saline,	\$1,475 00	
" Farmers' bank of Sharon,	183 00	
" Bank of Singapore,	39 00	
" Bank of Allegan,	27 00	
" Goodrich bank,	16 00	
" B'k of Ithaca, N. Y. (counterf't),	5 00	
" Clinton canal bank,	10 00	
" Bank of Clinton,	2 00	
" St. Joseph county bank,	1 00	
" Shipplasters,	5 63	
		\$1,765 63
Certificate of receiver of Jackson co. bank,	458 00	
" " Bank of Lapeer,	47 00	
" " Wayne co. Bank,	45 00	
" " B'k of Kensington,	16 00	
		566 00
J. Burdick's check,	1,946 64	
L. S. Humphrey's receipt,	59 60	
do	127 75	
Receipt of P. Morey, Attorney General,		
for note of H. H. Comstock,	817 49	
Do. for note of Richard D. Butler,	200 00	
Account for services of H. Alden, not allowed by Auditor General,	168 00	
		3,851 48
		\$6,183 11

Since the above was placed in the possession of Mr. Lothrop, the amount of the receipts of L. S. Humphrey have been cancelled by his returning to Mr. Lothrop the moneys received by him for the receipts given; also the note of H. H. Comstock has been paid, and vouchers to near that amount are on file in the

commissioners office, having been paid by Mr. Lothrop from the funds received for said note.

The bills, also, of the Bank of Saline and Clinton canal bank, have been placed in the hands of the receivers to those institutions.

Communication from James B. Hunt, Esq., in relation to so much of the report of the investigating committee, as relates to him.

*To the Hon. Kingsley S. Bingham,
Speaker of the House of Representatives :*

The undersigned, one of the commissioners of the board of internal improvement, would respectfully ask leave to lay before the House of Representatives, his explanation and protest, to so much of the report of the committee of investigation, as relates to the conduct and transactions of the undersigned, during the last two years, and while in the discharge of the duties of said office.

As the reports of committees are state papers presented to the House for their guidance and action on the several matters referred ; and as the report referred to is a production that has cost the committee the labors of an almost entire session, the House will be disposed to treat it with that gravity which it demands : it is also worthy of consideration in other respects, for the subject matter is one in which the people of this state have taken not only a lively, but an almost enthusiastic interest ; and it also embraces the views which the committee entertain of the several persons, entrusted by the executive and legislative branches of the government, with the duty and responsibility of carrying out the system of internal improvements.

If the opinion expressed in that report had come from the gentlemen of the committee in their individual characters, they would not, as a matter of course, been denied ; as coming from a committee of the House duly authorized, respect to the representatives of the people, demands such an explanation as the brief time allotted me will admit.

If a committee from the board of commissioners, had animadverted upon the members of the legislature, with the same spirit which pervades this report, the matter might well have been brought before the House, and the offenders punished for a contempt. The board have no such power ; but it was supposed, that gentlemen who claimed those privileges and that protection, would be tender towards the character and feeling of those who stood without the pale of these high parliamentary safeguards.

If the public taste have become so vitiated, that a report of this character, treating men in high and responsible offices as des-

tiate of all honorable feeling, and to all pretensions to even common honesty, and will be well received by the constituency of the House, or is, in fact, necessary for party effect; then, we may truly say, that the period has arrived "when a private station is the post of honor."

However unpleasant it may be for me to interfere with the regular action of the House, at a time when it is pressed with the business of the public, yet, it is an imperative duty which I owe to myself, to those who are connected with me in all the social relations of life, to a large circle of personal friends, and especially to the people of this state who have honored me with their confidence, in the bestowal of this office, that I should give an explanation of the several matters stated in that highly colored, and in my mind, vindictive report; and to ask of the House the appointment of a committee to review the subject and the evidence, and to take and state an account between me and the state.

The report alleges, that from the testimony before them, in relation to my transactions generally, the following facts, in their opinion, have been established.

"That this commissioner has been in the habit of employing agents to transact the business generally that appertains to his office, and that he has entrusted to said agents at a heavy expense to the state, that portion of his duties that the state had reason to suppose that he would perform by reason of his office, and for which he had received from the treasury an ample remuneration."

This is a general, broad and sweeping charge, and with all respect to the House, I pronounce it, unfounded from the evidence, and absolutely false. I happened to be present when several of the former and present superintendents on the central railroad were examined, and they stated that I was on the line of the road once a week or once a fortnight, when I was not attending the meetings of the board. And I stated to the committee, that after my appointment on the central railroad, in September, 1837, I passed over the road twice before I left to attend a meeting of the board, held at Kalamazoo, on the first day of October, that I had to attend meetings of the board at Jonesville and at Flint, during that month, and the latter part of the same month, I went over the line again, and twice in November, before the board met at Monroe the latter part of that month; that there were meetings of the board in December, at Palmer, Port Huron and Detroit, for the purpose of hearing statements and making the locations. I will also state, that after these locations were made, the ill health of my family compelled me to be at home a short time; after my return, I was engaged in attending the meetings of the board, to my duties as acting commissioner on the central railroad, in set-

ting up the accounts preparatory to making our annual report on the meeting of the legislature. These accounts embraced the expenditures on the Clinton and Kalamazoo canal, the northern railroad, the Saginaw canal, the surveys on two of the rivers, and those of the central railroad. I had also to make a report of all these matters to the board, and was also engaged as one of the committee in making the annual report to the legislature. Previous to my appointment on the central railroad, I had not spent three days at a time with my family after I became an acting commissioner.

Neglect of duty I had imagined, was the very last charge that could be brought against me during the various transactions of that year. In my absence from the work it was essentially necessary to have an agent to provide for the varied wants of nine different stations and some four or five hundred men employed by the day or the month. Mr. Adams had as much business as he could do in the office. Mr. Willis was employed in the shops and about the buildings and turn outs, while he was not absent from the state. It became necessary to employ Mr. Porter to make purchases and see that provisions and other articles were furnished; he was engaged part of September and October, when he left. Mr. Beach was employed some time in November and remained until the latter part of January, and this is the heavy expense complained of and occurring at a time when there was but two acting commissioners. But I have yet to learn that it is the duty of a commissioner to superintend the construction of works that he is supposed to know but little about.

The plan of building the road by day labor was commenced by my predecessor in office. He had appointed the superintendents and purchased most of the articles for carrying on the work. After my appointment, I was requested by the members of the board to double the number of men on the work, and if practicable, to finish the road to Ypsilanti that season; this required an additional purchase of tools, bedding, household stuffs, &c., for this increased force; I was satisfied at the time, that this system of building roads was the most expensive, and of infinite trouble to the commissioner; but it had progressed so far, that the only alternative was to complete the road as speedily as possible and put it in operation. The engineer on the road was in favor of this plan of doing the work, as it was a block road and would be done much better and with greater care than if it had been let to contract. The latter part of that season was very wet and cold; more articles were purchased than I had anticipated, and the road was not fit for running until about the first of February. In the disposition of this large quantity of personal property, much of it worn out; some lost or stolen; much of it repaired or renewed; the horses and cattle used almost up; a loss to a large amount

most necessarily occur. But among the many difficulties with which I was surrounded I had not imagined, until the report of this committee was produced, that I was to be held responsible for any difference that might occur between the cost of a new article and the value of an old one; or what would be equally oppressive, to make me stand all the bad bargains, if any, that my predecessor should have made, together with the deterioration of the article. As the several portions of the road were completed, the stations were broken up: some of the property was sold for cash, some for wood for the use of the road, and part of it was appraised by Gen. Bardick and Col. Brooks and turned out to Col. McKinstry on his present contract.

The papers containing these statements were laid before the committee, and they might have seen from the sales and appraisal, the vast difference between the cost and the sales, without seeking to charge the difference upon me, as evidence of mismanagement. It will be seen by comparison that the cattle sold by Mr. Burch for cash, average \$65 00 per yoke; those sold for wood, average \$60 00, and those appraised, average \$53 00; these cattle were not probably of equal value, but they most probably cost a much larger sum in the spring. This difference in value exists much stronger where the article was much subject to injury or nearly spoiled by the use. Several of the horses, wagons, and harnesses were sold, and paid for in the transportation of provisions and other articles. Some were sold for cash and some for wood, which has been used, and part now on hand.

I stated before the committee that I was not acquainted with Mr. Beach before the fall of 1837; that he was recommended to me by one of the commissioners and by several other persons, to be a suitable man for the business, and acquainted with the construction of railroads; and that in my transactions with Mr. Beach, I had never discovered any thing that gave me reason to doubt his honesty; that he was an active business man; that he had had opportunities if he had been so disposed, to be dishonest, and I might not have discovered it; that I had entrusted him with large sums of money, and that he always accounted for it; that in one month he paid out \$15,000, and that I should not have entrusted him in this manner, when he had the power of ruining me, if I had heard of the reports against him before that time; and that I did not see any statements in relation to him until some time in January, 1838, when I was shown the report of the comptroller of the state of New York, and that he was dismissed shortly afterwards.

Col. McKinstry stated before the committee that he had shown me a notice stating that Mr. Beach had absconded, but I did not recollect the occurrence then, nor have I been able to since he mentioned the circumstance. Notwithstanding I had given this

testimony before the committee, and with every reason to believe that as a matter of safety to myself, I would not have employed a dishonest person if I had known it, the committee say, "the reason your committee consider this transaction so very odious, arises from the circumstance that Mr. Hunt knew at the time of his appointment he was advertised as a public defaulter and a fugitive from justice."

The report also states, that Beach "in numerous instances disposed of property to those having claims against the state and required them to sign vouchers for money paid, and thereby enabled him to pocket the amount of the sale without fear of detection."

At the time when some of the superintendents were sworn, some of these alleged transactions were inquired into; in one case inquired of, the amount was found deducted from the pay roll, and on the same roll was two or three other deductions in cases in which the committee had not inquired. In another case the voucher was found setting forth the amount of indebtedness and the credit for the articles sold, and a receipt taken for the balance. The other case was that of Cahoon, for two yoke of oxen sold him for \$115 00, and other articles to above \$5 00. The receipt for his work, without any credit for the property sold, was found; this made out the case. But in the account of cash sales made out by Beach, he charges himself with \$115 00 received of Cahoon for two yoke of oxen, and \$5 00 and upwards for other articles sold him, corresponding with Cahoon's evidence. If the committee found any other case, it was not mentioned to me, and they might, if there were others, be explained.

Another charge is preferred: "The allowing these superintendents to certify to the correctness of their own accounts, whether the same were for wages or for property sold."

I was present when some of the superintendents were examined on the subject. Not one of them knew of an instance where they had sold any property to the state; in some cases they purchased articles and took receipts, and made up a general account in their own name, stating the several items with the receipt for each, and certified to its correctness. If this practice had not been allowed, no one but an acting commissioner could make a purchase of the smallest articles. The superintendent is the only person that can well certify to the time he is employed, unless we resort to the hands under his charge for their certificate, or appoint a superintendent over him, or adopt the new practice of taking extra judicial oaths, instead of simple certificates. If a superintendent is not worthy of trust in this respect, he ought not to be employed.

The second charge made in the report is, that I have drawn

money from the treasury for individuals who were not entitled to it by law or for services rendered.

This charge is made in reference to payment for certain bridges building on the line of the Clinton and Kalamazoo canal. Wherever I have ascertained that a bridge is necessary for the use of a farm, and application is made by the owner to build it himself, at the lowest contract price, I have given them the preference instead of the contractor. I did not expect that a committee of the legislature would seek to fasten a quarrel upon me for this slight instance of favor shown to some of the farmers of this state.

The facts in the case, are simply these: at several points on the canal, farm and road bridges are necessary to enable the occupant and the traveller to pass and repass. These bridges were let to contract, and where the bridges were not let with the entire section of the work, they were let to other contractors; the contract price for farm bridges was three hundred and fifty dollars. The owners of the land, in several instances, applied for the making of these bridges at the same price at which they were let, and agreed to keep them in repair, some ten years, some for fifteen years, and some for more than that time, and entered into contracts for that purpose, and to release the state from any claims for those periods. If the state is discharged from the liability, it is indifferent to them whether the bridge is ever built or not, or whether it is kept in repair or not; as far as the public is concerned, the fewer the bridges the better, for they are inconvenient to the navigation, and if the owner is disposed to go without a bridge or to build and repair his own bridge, it is as well for the state. No bridge has been paid for that was not necessary; in most cases, the timber is out for the bridges, and as regards the payment beforehand, (as the state has no interest in having the bridges built,) the individual might as well have the benefit of the money as the bank, and they alleged in most cases, that the money was necessary to enable them to build the bridges, and the advance was part consideration for keeping them in repair certain lengths of time. The state is discharged by their contracts to keep them up, &c.; these are covenants running with the land, and are encumbrances upon it, and the state cannot be made liable. Since this matter became a subject of remark, similar vouchers have been presented to the board, and the members have stated that by a former resolution, I had the power to make these contracts; and although it appears very objectionable to the committee, yet, the practice obtained generally on the Erie canal. The owner took better care of his bridge, and the state was saved in the expense of repairs and from the complaints of the proprietors.

The third charge is, that property has been purchased by me

or my agents, when not required by the wants of the state, whereby the state has suffered loss.

This charge is in relation to wood purchased on the central railroad.

I will state the facts in relation to this matter, as I did before the committee. Mr. Willis, an agent in the employment of the state, who professed to understand not only this, but almost every other subject of a general or particular nature, stated that it would be necessary to purchase about five hundred cords of wood for the use of the road. I directed him to do so; when the vouchers were produced in the spring, it appeared that he had made contracts from 1,200 to 1,500 cords, the exact amount I cannot now ascertain. I had, during the winter, directed Mr. Beach to sell the oxen and cows on the road at each station, as fast as the work was completed and the stations broken up, as hay and grain were high, and it was expensive keeping the cattle. He made sales to a considerable amount, and took notes for most of them, payable in wood, at the different stations, for some 1,000 or 1,200 cords, before I was aware of the transaction, and before he knew that Willis had also been making purchases. But large as this amount of wood may appear, it has not been considered too much by the present acting Commissioner, for he informs me that he has contracted for a considerable amount more, that it may be seasoned in time for the use of the road.

In relation to the provisions sent "to one Gardner D. Williams," it may be necessary for me to state, for the information of the House, as this gentleman appears to be somewhat unknown to the committee, that he was a member of the Board of Commissioners at the first organization of the board, that at the first meeting of the board, which he was prevented from attending, on account of ill-health, he was unanimously elected one of the acting Commissioners, at a time when it was supposed there was some honor attached to such an appointment. Judge Williams, not being able to attend before the adjournment of the board, and it being uncertain whether his health would permit him to discharge the duties of the office, I was appointed to the office, with the understanding that Mr. Williams should have the charge of the surveys of the northern road and Saginaw canal. After the canal was located he had charge of the construction of the work. I stated to the committee that Judge Williams wrote to me in the fall of 1837, desiring me to send as soon as practicable and before the close of navigation, certain provisions to be used on that work. I received the letter on my return home from this city, in November. I wrote to Mr. Beach, (and this was his first employment,) requesting him to make the purchases and forward them to Saginaw. Judge Williams also wrote that the fall and winter was the best time to do the work on that canal, but he thought it

would be difficult to let contracts unless contractors could procure provisions otherwise than by land, that they could not be procured in that part of the country, and that the contracts would be let sufficiently low, to pay the difference of making the advance. This suggestion appeared to be reasonable, and as Mr. Williams had the immediate charge of the work, and I had confidence in his judgment, the request was complied with, and the provisions sent on.

After the contractors had supplied themselves, there was a balance left on hand; most of it has been sold, and part of the payment received in the then currency of the state, most of which is now unquestionably below par.

The fourth charge of the committee is in reference to the blankets "purchased from a person who had smuggled the same, with a knowledge of the circumstances," &c.

It is stated in the report that the House and the country have, no doubt, all the information necessary on this subject. If so, it appears somewhat like travelling out of the record to inflict an unnecessary wound. I was sworn before the committee as above stated, and they questioned me upon all these subjects; if I had declined answering, it would have been treated as a contempt, or assigned as an evidence of guilt; they were informed of all the facts; instead of giving that evidence, they state only part of Mr. Adams' and decide upon that alone.

It is well known, that I was indicted for purchasing property said to have been smuggled; but it is not as well known who the complainants and grand jurors were, that made the presentment, or that when the case was called on for trial, his honor, Judge McLean, decided that it was not an indictable offence, nor was there ever an instance before, in this, or any other state in the union, where an indictment had been found for this alleged offence; and the public have been led to suspect that there was more of individual feeling than an ardent love of justice in the intentions of those who were principally engaged in the operation, and that the object was to affix a stigma of disgrace, while they had no expectation of procuring a conviction. The committee seem resolved, however, to follow up the matter; as it is not an indictable offence, it may, perhaps, turn out to be something else, and at all events, I ought to be rebuked by the representatives of the people. If the legislature are of opinion that I have not been sufficiently rebuked for the indiscretion of purchasing these goods for the state, then I must submit to such chastisement as they may think proper to direct.

The fifth charge is for "a total disregard for the interests of the state, when they came in contact with his own, as evinced by his votes given at the meetings of the board."

This charge is intended to be sustained by another statement,

"that most if not all of his votes, cast as a member of the board, affecting his own interests, and when the board were equally divided, his casting vote would decide the question in his own favor."

If by this statement it is intended that these were questions before the board affecting my interest as an individual, and that I voted on such questions, then the statement is unqualifiedly false.

I know of but one instance where a supposition of this kind could arise, and I will state the facts in relation to it. When my accounts as acting Commissioner for the preceding year, were closed nearly up, it appeared there was a balance of some \$8,000 due to me from the board; and for which I had overdrawn for at the bank. I was anxious to have this account settled and the money paid to the bank. The subject was referred to Messrs. Lothrop and Alden on the eighth of September last; on the tenth, they made a report, (which I read to the committee,) and they also submitted the following resolutions:

"*Resolved*, That the Auditor General be directed to draw his warrant in favor of James B. Hunt, acting Commissioner, for the sum of six hundred and forty-six dollars and eighty-four cents," in payment of certain vouchers, which were stated.

"*Resolved*, That the Auditor General be directed to draw his warrant in favor of James B. Hunt, acting Commissioner, for \$7,788 43, to liquidate the following disbursements made by Jas. B. Hunt, acting Commissioner, on the public works, over and above the amount advanced to him by the board of internal improvements, before the 10th of May, 1838, to wit:

Vouchers in the hands of J. B. Hunt,

"	"	"	Audited,	\$2,949 37
			Unaudi-	
ted, and which the Auditor General refuses to al-				
low, but which the board think the acting Com-				
missioner had the right to disburse, and if the				
vouchers were satisfactory, it was the duty of				
the Auditor General to audit the same.				4,003 00
Amount of moneys returned by D. C. McKinstry,				402 00
Due on the voucher of C. F. Smith, for services				
as engineer, on the Seginaw canal,				375 00

\$7,788 43

These resolutions, reported by the committee, were afterwards acted upon, and I voted in favor of them; it was not placing any money in my pockets; the state owed me this amount as acting Commissioner, and the acting Commissioner owed the bank. I was only the instrument through whom the payment was to pass.

It was a benefit to both the bank and the state ; but to me, as an individual it could have no bearing, for the bank would not seek to collect from me a debt which was due from the state.

It is from this single and isolated transaction, perfectly proper in itself, that the committee have thought proper to say, "that in most if not all of his votes cast, &c., he gave the casting vote in his own favor. And they have also asserted "that a contrary course would probably have placed Mr. Hunt's pecuniary matters as well as his conduct in a different position before the house and the country." This assertion is also untrue, the Auditor General refused to give the warrant, and the whole matter stands in exactly the same position that it did before the resolutions were adopted ; and this is the only resolution in relation to my accounts that has been passed upon by the board. And it is upon account of this unfortunate resolution, that Gen. Humphrey and Mr. Lothrop have been charged as abetting and aiding me in all my alleged villanies and transactions.

For the information of the house, I will state the facts in relation to Obed Smith. Col. Berrien, the engineer, with my assent, entered into a contract with him, for the making of the embankment at Relau creek, I think at 22 cents per yard ; Mr. Moon and Mr. Smolk had also made proposals, both of which I understood to be higher ; Mr. Moon's was 25 cents, and Mr. Smolk had unfinished contracts on hand, if his had been as low. While Mr. Smith was employed on that contract, I believe Col. Berrien employed him to superintend some alterations on the bridge across the creek there. I have never before heard that there were suspicious circumstances attending the letting of this contract. It was reported that Mr. Beach was interested in some contract with Mr. Smith ; when inquired of, they both denied it, and I never could obtain any evidence, but rumor, in relation to the matter ; and as I do not give judgment upon such evidence, Mr. Smith was allowed to retain his contract, and as he always alleged, at a great loss to himself. Col. Berrien could probably give a more detailed history of this transaction ; I must request his evidence upon the subject, if deemed important by the House.

On the subject of the money paid out on the road, it was such as I drew from the bank. I frequently asked for better funds, and the reply generally was, that the bank could only pay out such funds as they received on their debts, and that was principally country money. It was proved by two or three witnesses, superintendents on the road, that there was but little loss on the money paid to the hands ; that they had heard of but few complaints on that subject. At that time the law made no provision as to the kind of funds to be paid.

If the assertion of the committee, "that it was in direct violation of law," alludes to the payment of any money placed to my

credit since the first of August last, when money was received under the state loan, then the assertion is wholly untrue. Before that time, no payments were made to me of money by the bank which had been received on account of the loans made in New York; after that time, the money paid was what is called city money, and principally of the Michigan state bank, or the notes of the Morris canal and banking company.

I am also charged with "exhibiting a perfect disregard of my own reputation;" and in a bungling attempt to make out the truth of their assertion, they instance the account of Mr. Cody, a contractor on the central railroad.

The committee took evidence in relation to that transaction also, but, like the rest, it has been perverted for reasons best known to themselves.

The facts are simply these:—In my absence from the city, in November or December, 1837, the resident engineer, known to the House by the ear-mark of this committee as "one Center," presented to Mr. Adams, the secretary of the board, the final estimate of Cody, and at the bottom wrote "deduct all former payments," and carried into the column of figures the amount of all former payments and made the deductions, leaving the balance as the true amount due Cody. This amount Mr. Adams paid; and if he had understood that all the former estimates had been deducted, no mistake would have occurred; but being misled by the words, "former payments," he made out a statement of the back per centages which had been retained, amounting to \$1,254, and paid this also. I returned to the city the same day; the next morning the mistake was discovered. Mr. Adams and Mr. Center went out to Washtenaw county and brought Cody back. We tried to make him return the money—he set up other claims and refused to do any thing about it. He was arrested and confined. When it became necessary to make out the declaration in the cause, the Attorney General sent for the papers, and they were delivered to him; and when the accounts were audited, this being out of the office, was forgotten. During the last spring and summer, other vouchers in relation to the business of the preceding year, came into the office, and it became necessary that my old accounts should be closed up. Mr. Adams wrote to me on the subject, and may have referred particularly to this account; I have not the letter by me, and cannot recollect. In my answer to him, I requested him to have them audited and settled; and if my attention was called to this particular account, I should certainly have requested him to have it allowed and audited. I never supposed for one instant, that I was in any way liable for this over payment, or that the state would require one of its public officers to pay for a mistake made without his privity or knowledge, and by agents appointed by the board.

There was no intention of concealment in this matter. I consider it the duty of the Auditor General to allow it to me, for it was paid in good faith, and without a knowledge of the mistake. If this money is recovered of Cody, it will be in my name as acting Commissioner, and must be paid into the treasury. It is not mine, and I have no control over it in my individual capacity.

And it is for this, that I am stigmatized as "exhibiting a perfect disregard to my own reputation." My reputation was not in any way involved in the matter; it was a clerical mistake, the money paid, the voucher obtained and audited by the Auditor General in the usual form; and when the money is collected, it will be paid into the treasury, and it is presumed that that will be the end of it.

The committee have stated the expense of engineering on the Clinton and Kalamazoo canal at \$26,267 27. I am informed by one of the engineers that in the account kept by them up to February last, the engineering was but about \$22 000, and that in the surveys made by them they had run over five hundred miles in a careful and accurate manner to ascertain the most feasible routes.

It, in this statement, which I have felt it my duty to make to the house, any improper expressions have been used, or any unjust reflections cast, I can say I intended no disrespect to the House. I have felt deeply injured at the bitter and vindictive manner in which the committee have thought proper to present their views to the House, in relation to the conduct of others employed like themselves, to transact the business of the public. I had treated the gentlemen of the committee with the deference due to them as representatives in the discharge of their duties, and I had hoped that they would present a candid statement of all the facts elicited by them during this procrastinated examination.

I had also expected, that when they had seen publications in two of the papers of this city, charging me with being a public defaulter for thousands, and when those papers had been requested to suspend their views upon the subject, until the report of this committee should be made: and when a member of the House had asked for the appointment of a committee to settle these accounts and the request had been refused, on the ground that it was the province of the committee to report on that subject—it was reasonable to expect, that they would have made a statement for the information of the House on that branch of the business. Am I still to be considered a defaulter? Already the report has spread into other states, that another loco foco sub-treasurer has taken his departure for Texas, that Judge Hunt, that one James B. Hunt has gone to the land of promise.

Instead of relieving me from this dilemma which partisan war-

fare and disappointed cupidity have brought upon me; the committee have reported another case of defalcation, for the purpose of destroying the reputation of another citizen, and in a few weeks this also will be spread as wide as the region of letters.

Have we not a right as American citizens, to complain? If, because we are office holders, we are to be treated as the world treats pirates, "*as hostes humani generis*, enemies to the whole human race"—yet it ought to be recollected that we have rights as citizens, distinct from these offices; that we have families and friends who have some interest in our reputations, and that they have been led to believe that the reports of legislative committees were entitled to the respect due to the representatives themselves; and that in the pure source from whence emanate our laws, there would not be mingled the bitter dregs of personal or political strife.

With the hope that a committee may be appointed to re-examine these matters and report to the House,

I am respectfully,

Your obedient servant,

JAS. B. HUNT.

Communications from the Hon. E. H. Lathrop and Hon. L. S. Humphrey.

HOUSE OF REPRESENTATIVES, }
Detroit, April 11, 1839. }

To the Hon. the House of Representatives:

GENTLEMEN: I observe in a report submitted to your House of this day by a committee appointed to examine into the general accounts and proceedings of the board of internal improvement, after reciting several grave and serious charges of fraud and mal-conduct against James B. Hunt, Esq., the following paragraph:

"Your committee have had occasion to observe through the course of this examination, that Gen. Humphrey and also Mr. Lathrop, since he become a member of the board, have uniformly sustained Mr. Hunt in all his positions."

The connection of this paragraph with that part of this report which preceded it, conveys the idea that in all the alleged frauds of Col. Hunt, I was *accessory* and *sustained him*, to use the language of the committee, "in all his positions."

In my opinion, if the committee had not intended to have inflicted a *dark* and *secret* stab at my reputation, they would have had the "common honesty" to have specified the "fraudulent

acts" of Col. Hunt to which I was accessory and sustained him in, and what was the nature of my support; yea, it was their duty so to do.

I here publicly and positively deny of supporting Col. Hunt in any position but such as, after full and careful examination, I felt bound by my oath of office to approve, or that I have in any manner, at any time, countenanced Col. Hunt, or any other commissioner, in any thing that was not warranted by law or was not dictated by a wise and prudent public policy. And I feel in duty bound to say, that the assertion that I "have uniformly sustained Mr. Hunt, in all of his positions," is absolutely false, and I can prove it from the journals of the board and from the concurrent testimony of all of its members.

I feel in duty to myself and in defence of my own character, to respectfully ask of your honorable body to appoint a committee to investigate and report to your House, what dishonest or dishonorable act committed by Col. Hunt, (provided he has committed any,) in which I have sustained him.

Respectfully,

Your obedient servant,

E. H. LOTHROP,

Com. of Internal Improvement.

To the Hon. the Speaker of the House of Representatives of the State of Michigan.

The undersigned most respectfully represents, that he was last evening put in possession of a copy of the report signed by the Hon. Mr. Tucker, of the committee appointed to investigate the accounts, &c., of the board of internal improvement, and on looking over the report, he finds that there are unequivocal statements that he is a defaulter to the state to the amount of \$18,757 34. It is certainly proper that he should take the earliest opportunity to correct such a gratuitous, and he may say, wanton attack upon him.

In the investigation of accounts so long and for such large amounts, ordinary courtesy should have dictated to the committee the propriety of his being heard before them, and that he should, at least, have had an opportunity of explaining such portions of the accounts as were not satisfactory; but he regrets to state that no such opportunity has been afforded him; on the contrary, a guarded silence has been observed by the committee in reference to all the transactions examined by them—little calculated to elicit truth and to furnish a fair and open statement of his accounts.

The undersigned would beg farther to state, that one material error has been discovered on a cursory examination of the report. He finds that there is an item of ten thousand dollars, which was a warrant drawn by order of the board on or about the 5th day of April, 1838, by the auditor of the board, and charged to the undersigned on the books of the board; but which, from the omission of the auditor of the board, was never signed, and upon which no money was ever received. The warrant was returned and credited to the undersigned on the books of the board; yet this amount, in the report of Mr. Tucker, is charged to the undersigned, and a full and fair statement of this matter seems to have been studiously avoided.

The undersigned would further state, that the committee have allowed him no vouchers given in since the 21st of February last. Since that date he has presented vouchers to the Auditor General to the amount of \$21,976 13, which have been duly audited to the amount of \$20,000, leaving a balance of \$1,976 13, which should have been credited to the undersigned in the report, besides an error of \$201 credited to him on the books of the Auditor General, and not credited in the report, and also the sum of \$1,803 57, which, by the report itself, appears not to have been audited, though the vouchers were produced, and also of the sum of \$3,910 96 as stated in the report, the amount of \$1,793 62, being the balance of the amount of vouchers audited by the Auditor General on the Cass county survey, have not been placed to my credit by the Auditor General or on the books of the board, because there was no law authorizing the payment of the same.

Of the sum of nine hundred and ten dollars and eighty-four cents, as stated in the report, the sum of five hundred dollars, for which vouchers had been presented and audited by the Auditor General for expenditures on the Havre branch railroad previous to the 16th of May last, as per report of the undersigned, have not been passed to his credit on the books of the board.

You will also allow the undersigned to draw the attention of the house to the item of the report of two thousand one hundred and fifteen dollars and thirty-four cents, which was for a part of the expenditures on the Cass county survey. For this amount vouchers were produced and audited by the Auditor General, and which the board ordered to be paid, but which the Auditor General declined paying, for the reason that there was no law authorizing such payment. This survey was made by virtue of a special order of the legislature, but for the reason above stated, the amount was never credited to the undersigned on the books of the Auditor General, and the amount was erroneously credited by the undersigned in his report, instead of charged to the state, the state being creditor to the amount of one hundred and seventy-

seven thousand one hundred and fifteen dollars and thirty-four cents, instead of the true sum of \$175,000.

No notice is taken in the report of Mr. Tucker of the sum of three hundred and fourteen dollars of uncurrent money in my hands and which appears in my report. You will readily perceive that the whole of the above items, amounting to the sum of eighteen thousand eight hundred and seven dollars and sixty six cents, are properly to be applied on the advances of the state made to the undersigned previous to May last, and that none of them have been entered in the Auditor General's books; neither is the above the whole amount that in justice should have appeared or been credited to the undersigned in the report of the committee. The amount of four thousand dollars was proved before the committee by their own witness, Mr. Whitney, of Adrian, to have been advanced by the undersigned to him as a contractor, and that without such advances the work in progress on his contract must have stopped.

The undersigned will also add, that he has now in hand, forty thousand feet, mostly of pine lumber, purchased for the depots, &c., which has been paid for and for which the vouchers can be produced, amounting to six hundred dollars. There are also vouchers in addition to those stated above for work done on the Havre-branch railroad, amounting to about two hundred dollars, which have not been audited or credited to the undersigned.

The committee in their report refer to what they call an error in the statement of the undersigned to the president of the board, on the 1st of January, 1839, of the sum of \$23,198 85; for a satisfactory explanation of this, he begs leave to refer to the Auditor General's report (and to the vouchers) page 87, where he states that vouchers, to the amount of \$34,560, are deposited in his office, and in progress of examination, to cover the amount of \$9,008 13 100 and other advances made since the 31st of December last. If these vouchers are fictitious and were intended to deceive the board of internal improvement, and through them the legislature, as stated by the committee, the committee should at the least have had the justice to exculpate the Auditor General from any indirect imputations of corrupt motives, for having subsequently audited and allowed the same.

In reference to that part of the report of the committee relating to the amount of money placed in my hands for the purchase of iron, the committee have made an error which it would seem from the report, is the result of gross carelessness, or a wanton disposition to injure, or a lack of a competent knowledge of the simple principles of addition. You will perceive by their statement, that they have left entirely out of the account, the sum of \$5000, which it appears on the face of the report should be credited to the undersigned, or, according to their arithmetic, the sum of

\$55,407 91-100 subtracted from \$75,439, leaves a balance of \$25,000.

In reference to the very pertinent inquiry made in the report, "if the \$20,000, or any part of it, makes a portion of the payments intended for the purchase of iron, how can the amount of \$75,439 12-100 be accounted for?"—the undersigned will only refer you to their own report, where they show that the sum of \$55,407 91-100 has been liquidated by drafts, the balance of \$20,000 is still in his hands in drafts and warrants.

You will permit the undersigned, in closing this communication, to state that he had a right to be heard before the committee. One would suppose that a desire to arrive at the facts would have induced the committee to give him an opportunity of making the foregoing and other explanations which he is anxious the House should hear.

The undersigned claims the privilege of being heard; most respectfully but earnestly he insists that he may have an opportunity of exhibiting the facts relating to his accounts to the House, to enable it to judge whether he is not most unjustly assailed. If this privilege is conceded to him, he knows that he can substantiate, by clear and undoubted testimony, that he has been unwarrantably assailed: therefore he asks of the House that a committee be appointed to examine and report upon his account.

Very respectfully,

Your obedient servant,

L. S. HUMPHREY.

Detroit, Friday morning, April 12, 1839.

REPORT.

To K. S. Bingham,

Speaker of the House of Representatives:

The undersigned, members of the select committee appointed to examine the accounts of Levi S. Humphrey, acting commissioner on the southern railroad, respectfully report:

That the severe indisposition of Mr. Hammond, the chairman of the committee, has prevented them from completing the duties assigned them at an earlier day.

The committee have endeavored to procure full and correct statements of the facts connected with the accounts of Mr. Humphrey, and believe the evidence contained in the papers accompanying this report, will enable the House to form correct conclusions upon the subject.

From the organization of the board of commissioners of internal improvement, up to the 7th of April, 1838, the accounts of

the acting commissioners were audited by a member of the board appointed for that purpose, and the books and papers are still retained in the office of the board.

Since that time, the accounts have been audited by the Auditor General, and the vouchers are filed in his office.

From a correct statement of the accounts of L. S. Humphrey, as shown by the books in both of the abovementioned offices, your committee would refer to the accompanying documents, marked (A) and (B.) Document (A) is a statement of the accounts of L. S. Humphrey, from the time of his appointment as acting commissioner, to the 7th day of April, 1838, including all of his transactions under the late board, as shown by the books of the office, certified by A. H. Adams, clerk of the board. In said accounts, Mr. Humphrey is charged with warrants of J. M. Barbour, (auditor,) on the State Treasurer to the amount of \$72,234 84 and credited by vouchers audited by said Barbour,

53,568 68

A defective draft for \$10,000, which was erroneously signed by J. M. Barbour, auditor, and which was returned and credited to L. S. Humphrey, by a resolution of the board, passed January 17th, 1837, \$10,000.

68,568 68

Showing the balance, due from Mr. Humphrey, on the books of the board, to be

8,655 16

To pay this amount and the amount of \$4,764 66 advanced by the Auditor General, as shown by document marked (B.) Mr. Humphrey has in his hands, as appears by the certificate of A. H. Adams, marked (C.) and the affidavit of L. S. Humphrey, marked (D.) the following vouchers, &c., to wit:

Vouchers for expenses of Cass county survey, not carried into the account of the Auditor General, because no legislative provision had been made for the payment of the same, and also for the Havre branch, not carried into the Auditor General's account, being together

4,134 97

Amount of suspended vouchers, not less than

2,000 00

Uncurrent money, as stated in his report to the board,

314 00

Vouchers paid during the past and present month, which have not been presented to the Auditor General, not less than

7,000 00

He has also advanced Crane and Whitney, contractors on the southern railroad, as was proved by Mr. Whitney, before a committee from the House of Representatives, more than

4,000 00

The above items amount in all, to \$17,445 97

And if allowed to Mr. Humphrey, would leave a balance in his favor as acting commissioner, after paying all advances up to this date, of more than 4,026 46

Document marked (A.) was furnished the committee by the Auditor General, and shows the accounts of Mr. Humphrey, as acting commissioner, from the 7th of April, 1838, to the date of this report. By reference to said account, it will be seen that Mr. Humphrey has been charged by the Auditor General since the 7th of April, 1838, with warrants and rejected vouchers to the amount of \$245,786 74

And that he has been credited by vouchers, audited and filed in the Auditor's office, to the amount of 241,022 09

Balance in hands of Mr. Humphrey, in advance, \$4,764 65

Being \$235 35 less than the amount which he is by law authorized to draw in advance.

No explanation of this part of Mr. Humphrey's accounts can be deemed necessary.

The board of commissioners of internal improvement passed several resolutions directing the Auditor General to draw warrants in favor of L. S. Humphrey for the purpose of paying for iron purchased under a resolution of the legislature. By virtue of said resolutions, the amount of \$75,439 12 was placed to the credit of Mr. Humphrey in the Michigan state bank.

Although the transactions of Mr. Humphrey as agent of the board for the purchase of iron, have no connection with his duties as acting commissioner, yet your committee considered that an examination of the facts, in connection with this matter, formed a part of the duty assigned them. They have, therefore, procured an affidavit from Mr. Humphrey, and such other evidence as could be obtained, showing the amount which Mr. Humphrey has paid for iron, as agent of the board, and the manner in which the same has been paid.

There has been paid to Hicks & Co., of New York, by Mr. H. Howard, the sum of twenty-eight thousand dollars. Hicks & Co.'s receipt for the amount, dated 10th month, 2nd, 1838, was laid before the committee.

To J. H. Whitney, of New York, the sum of six thousand two hundred and seven dollars and ninety-one cents. Paid at the Farmers' and Mechanics' bank of this city, on the draft of said Whitney, which draft (cancelled) was laid before the committee.

To Mr. Corning and Mr. Benedict, of Albany, by drafts on the Albany city bank, drawn by the Bank of the River Raisin, the sum of five thousand dollars.

To Davis, Brooks & Co. of New York, by the draft of the

Bank of the River Raisin, payable ninety days after date, the sum of fifteen thousand dollars; and,

To J. L. Whiting & Co. of this city, the sum of \$1,200 00, for which a receipt was laid before the committee, making payments in all, \$55,407 91, which deducted from the amount of \$75,437 12, leaves a balance in the hands of Mr. Humphrey of \$20,021 21.

To pay this balance, Mr. Humphrey has warrants of the Auditor General to the amount of \$20,000 00, which were exhibited to the committee, and a draft of Michigan state bank, which has been protested and returned to him, amount of \$5,000 00.

Having examined and briefly explained the accounts of L. S. Humphrey, as acting commissioner, and also as agent of the board of internal improvement for the purchase of railroad iron, your committee are of the opinion, that it will not be inconsistent with their duty, and that in justice to Mr. Humphrey as a public officer, we are called upon to refer to certain charges made against him in a report of a committee of the House, "appointed to investigate the accounts and proceedings of the board of internal improvement."

The first statement in said report, to which the attention of the House is requested, relates to the report made by Mr. Humphrey, to the board of internal improvement, on or about the first day of January, 1839, and is in the following words:

"Your committee must come to the conclusion that Gen. Humphrey intended to deceive the board of internal improvement, and through them the legislature, by his report; conveying to them the idea that he had expended the amount of \$23,198 85, and had the vouchers on file to warrant the same, when the fact shows a far different state of things, viz; that this amount had not been audited or even in existence other than fictitiously."

The very singular process of reasoning, by which the "investigating committee" satisfied themselves that they were warranted in publishing to the world, that Gen. Humphrey was guilty of publishing a false statement of his expenditures as acting commissioner, with the intention of deceiving the board of internal improvement, and through them the legislature, is certainly worthy of attention. For the benefit of the "investigating" committees that may hereafter be appointed, we will briefly explain the process. By reference to the last annual report of the board of commissioners of internal improvement, it will be seen that Gen. H. has stated his expenditures as acting commissioner to the 1st of January, 1839, to be \$248,685 23. For the purpose of proving that this is not a correct statement of his expenditures; the "investigating" committee have added to this sum the amount of vouchers audited since that time, up to a certain date, and com-

pared the result with the whole amount of vouchers audited up to the same date. Now it is evident that the vouchers audited after the first of January are included in both statements, and that the result of the comparison would not be altered if they were not included at all. Why did they not then take Mr. Humphrey's statement of expenditures up to the first of January, and compare it with the amount of his credits up to the same date? The result would have been precisely the same, and the cause of the disagreement in amount would have been perfectly plain. They would have discovered at once that Gen. Humphrey's statement of expenditures was taken from his own books, and included vouchers that had not then been audited. The books and vouchers in the auditor's office prove that such was the fact. The vouchers which make the item of \$20,000, credited to Gen. H. on the Auditor's books on the 12th Jan. all bear dates on or before the first of January, and were of course a part of the expenditures included in his report, notwithstanding the assertion of the investigating committee that "*that they had not even an existence other than fictitiously.*"

The slightest examination of this subject will satisfy any person that the above item of \$20,000 was included *twice* in one of the statements of the investigating committee, and that they, and they alone, are justly chargeable with the error.

In reference to the remark in the report of the "investigating committee" that "the committee are at a loss to conceive how the sum of \$20,000 audited by the Auditor General on the 14th of March, 1839, could in anywise apply on the iron account for which the adequate sum of \$75,439 12 was expressly provided," and the inquiry how the amount of \$75,439 12 can be accounted for, we have only to say, that although the duties of Mr. H. as agent of the board for the purchase of iron, were in no way connected with his duties as acting commissioner; yet he has but one account in the bank, and the amount placed to his credit for the purchase of iron was never kept distinct from other moneys.

If he considered the warrants of the Auditor General safer than the funds in bank, or for any other reason chose to use the funds in bank in making payments as acting commissioner, and to retain the warrants of the Auditor to pay for iron, your committee cannot conceive the slightest objection to such a course.

The next statement which is deserving of notice, is, that there was a balance of \$36,134 78 against Mr. H. "unaccounted for under the administration of the former board," and that "since the Auditor General has been empowered to examine accounts, this *defalcation*, by the strict attention of that officer, has been reduced to \$18,656 16, by compelling Gen. H. to apply the warrants issued by him, upon moneys previously advanced to the 7th of April, 1838."

It will be recollected that previous to the 7th of April, 1838, the acting commissioners were allowed by law to draw any amount not exceeding \$40,000 in advance, and by reference to the account of Mr. Humphrey in Doc. (A.) that \$30,000 of the amount for which he is charged with being a defaulter, was drawn on the 7th day of April, and Mr. H. states that he had then about \$17,000 vouchers in his hands which were not audited. Your committee cannot understand the propriety of charging, that this advance made by express provision of law is a "defalcation," not why a public officer should be stigmatised as a defaulter for having money in his possession which the law clearly authorizes him to have; neither can they understand why so much credit is considered due to the Auditor General, for having applied the warrants drawn by him, for vouchers dated prior to the 16th of May, upon the account for moneys advanced by the former board. We do not consider that the Auditor General has done either more or less in this matter than it was his duty to do.

Conceiving that the charge made in the report which has been referred to, that Gen. Humphrey is a defaulter as acting commissioner, to the amount of \$18,757 34, is fully answered and refuted, by incontrovertible evidence contained in the papers accompanying this report, your committee do not consider it necessary to say more upon that subject than that the facts show that so far from Gen. Humphrey's being a defaulter, he has actually paid as acting commissioner, several thousand dollars more than he has ever received from the state.

All of which is respectfully submitted.

R. G. McKEE,
D. B. STOUT,
JOHN J. ADAM,
N. H. FINNEY.

April 16, 1839.

(A.)

Statement of the account of Levi S. Humphrey, Acting Commissioner, for advances made by late Board of Internal Improvement.

1837.

May 18. Rec'd warrant of John M. Barbour, auditor, on Treasurer

	of State,		\$10,000	00
Aug. 30.	do	do	do	10,000 00

Carried forward,

§

Brought forward,				\$	
Dec. 18.	do	do	do	10,000	00
1838.					
March 1.	do	do	do	2,223	84
9.	do	do	do	10,000	00
April 7.	do	do	do	30,000	00*
					<u>\$72,224 84</u>
1838.					
Jan. 13.	Rec'd vouchers, audited by J. M. Barbour, audi- tor, expenditures on sou- thern railroad, \$12,265 07				
	Rec'd vouchers, audited by J. M. Barbour, ex- penditures on Havre branch railroad, 61 74				
	Rec'd vouchers, audited by J. M. Barbour, ex- penditures for instru- ments, 340 00				
					<u>\$12,666 81</u>
April 7.	Rec'd vouchers, audited by J. M. Barbour, ex- penditures on southern railroad, \$17,560 11				
	Rec'd vouchers, audited by J. M. Barbour, ex- penditures for survey St. Joseph river, 5,627 15				
	Rec'd vouchers, audited by J. M. Barbour, ex- penditures on Havre branch railroad, \$235 99				
					<u>23,423 25</u>
July 25.	Rec'd vouchers, audited by R. Abbott, auditor general, expenditures on southern rail- road, \$15,358 65				
	Rec'd vouchers, audited by R. Abbott, expendi- tures for survey St. Joseph river, 156 00				
					<u>15,514 65</u>
Dec. 31.	Rec'd vouchers, audited				
	Carried forward,			\$	\$

Brought forward,		
by R. Abbott, auditor		
general expenditures on		
southern railroad,	1,903 97	
	<hr/>	53,568 68

Balance due by L. S. Humphrey,	\$18,655 16
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*In this amount there was charged a warrant for \$10,000, which was erroneously signed by the auditor of the board, and which was credited to L. S. Humphrey, by a resolution of the board passed January 17, 1839, which, if deducted from the amount due

	10,000 00
	<hr/>

from said Humphrey, will leave the	
balance due from him,	\$8,655 16

A. H. ADAMS,
Book-keeper, B. Int. Im.

OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, April 16, 1839.

(B.)

Levi S. Humphrey, Acting Commissioner of the Havre Branch and Southern Railroads, in account with the Internal Improvement Fund.

DR.

1838.		
July 25.	To warrants of Auditor General,	\$30,000 00
Oct. 9.	do do	40,000 00
20.	do do	25,000 00
Nov. 28.	do do	45,000 00
Dec. 27.	do do	5,000 00
1838.		
Jan. 1.	do do	30,000 00
12.	Discount and errors,	54 22
18.	Warrants of Auditor General,	20,000 00
	Vouchers 1,099, Moses L. Bowsby, for	
	superintending, rejected,	92 00
	Vouchers 2,006, Wm. Adrich, for superin-	
	tending, rejected,	109 50
	Vouchers 1,129, S. B. Brophy, returned,	333 40
	R. O. Conner, voucher No. 1,131, do	30 00

Carried forward,	\$
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	Brought forward,	\$	
Jan 18.	B. W. Benier, do No. 1,193, do	13	00
	Jas. A. Stewart, do No. 1,127, do	10	00
	Discount on voucher No. 1,091, A. Bigelow,	11	91
	do do No. 1,092, D. K. Underwood,	3	10
	do on J. Eldred & Son, for lead charged in former account, voucher 1,157,	12	00
	Error in voucher 1,115, John Caldwell,	31	
	do do 1,183, Wm. W. Gale,	50	
	do do 1,184, Lewis and Smith,	5	00
Feb. 16.	Warrants of Auditor General,	25,000	00
	Voucher, No. 1,128, J. H. Olds, returned,	7	30
Mar. 13.	do No. 1,218, Horace Hodskin, rejected,	39	00
	do No. 1,221, A. T. Bement, do	51	00
	Discount for keeping Dutton's house while sick,	11	00
	Voucher 1,201, J. S. & S. A. Bagg, for ad- vertising, rejected,	3	50
14.	Warrants of Auditor General,	20,000	00
April 8.	do do	5,000	00
		<hr/>	
		\$248,786	74
		<hr/>	
16.	Balance brought down, in advance,	\$4,764	65

Cr.

1838.			
July 25.	By vouchers audited and filed in this office for construction of southern railroad,	\$28,637	28
	do do Havre branch railroad,	401	65
Oct. 9.	By vouchers audited and filed in this office, for construction of southern railroad,	36,844	41
20.	do do do do	42,494	36
Nov. 28.	do do do do	45,614	17
Dec. 29.	do do do do	34,451	97
1839.			
Jan. 12.	do do do do	20,785	26
	This amount short credited July 26th,	200	00
	This sum, deducted from voucher 492, Oct. 9, 1838, more than what appears by the audit,	1	00
Feb. 15.	Vouchers audited and filed in this office, for construction of southern railroad,	27,044	86
Mar. 13.	do do do	21,976	13
		<hr/>	
Carried forward,		\$	

	Brought forward,	\$	
April 8.	do do do		621 00
	Balance carried down,		4,764 65
			<hr/>
			\$245,786 74

Errors and omissions excepted,

ROBERT ABBOTT,

Aud. General, S. M.

AUDITOR GENERAL'S OFFICE, }
Detroit, 16th April, 1839. }

(C.)

I hereby certify that there is filed in the office of the board of internal improvement by L. S. Humphrey, acting commissioner, the following vouchers, which are not included in the statement given by me, bearing date April 16, 1839.

For survey in Cass county,	\$3,920 51
" expenditures on Havre branch railroad, (audited,)	211 46
" do southern railroad, (suspended.)	1,024 83
	<hr/>
	\$5,156 80

A. H. ADAMS,

*Book-keeper Board Int. Imp.**Detroit, April 17, 1839.*

(D.)

STATE OF MICHIGAN, } ss.
Wayne County, }

Levi S. Humphrey, acting commissioner on the southern railroad, being duly sworn, deposes and says, that he has in his hands duplicate vouchers for moneys which he has paid as such acting commissioner, and which are not included either in the statement furnished by the Auditor General to R. G. McKee, Esq., one of the committee, or in the statement furnished by Mr. Adams, secretary of the board, also furnished to Mr. McKee, part of which had been presented to the former committee.

Expenses of the Cass county survey, which have been duly audited but not carried into the account of the Auditor General, because no legislative provision had been made for the payment of the same,

and also a balance of the Havre branch road, not carried into said Auditor General's account, being together,

\$4,131 97

Amount of suspended vouchers, part of which have been presented to the former committee, not less than

2,000 00

Uncurrent money, as stated in my report to the board,

314 00

Amount paid during the last and present month, and which have not been presented to the Auditor General, but not included in his statement, amount not less than

7,000 00

And this deponent further says, that he has advanced to Crane and Whitney, contractors on said road, as stated in his communication to the House of Representatives on the 13th inst. more than

4,000 00

And which was proved by Mr. Whitney, before the former committee, that the above sums amount to

\$17,445 97

And are not included in either of the statements furnished by the Auditor General or by Mr. Adams, and that the same are justly due to this deponent as acting commissioner, and further this deponent says not.

L. S. HUMPHREY.

Sworn and subscribed before me, this seventeenth day of April, 1839.

A. H. ADAMS,
Not. Pub., Wayne Co., S. M.

(F.)

STATE OF MICHIGAN, } ss.
Wayne County.

Levi S. Humphrey being sworn, deposes and says, that he was appointed by the board of commissioners of internal improvement, as agent to purchase and pay for the railroad iron authorized to be purchased by a joint resolution of the Legislature; that as said iron was delivered in New York, the bills were forwarded for payment, and that he ordered warrants to be drawn for the purpose of paying the same. That this deponent has received from the Auditor General, by order of the board, warrants on the State Treasurer, at different times, for the sum of seventy-five thousand four hundred and thirty-nine dollars and twelve cents; that said

sums were deposited in the Michigan state bank to the credit of this deponent; that out of said amount, this deponent has paid the following sums: to Messrs. Hicks & Co. of New York, the sum of twenty-eight thousand dollars by the draft of the State Treasurer; that there has been paid J. H. Whitney of N. York, the sum of six thousand two hundred and seven dollars and ninety-one cents, which was paid at the Farmers' and Mechanics' bank of this city, on the draft of said Whitney on this deponent, payable ten days after sight; that the sum of five thousand dollars due to Mr. Corning and to Mr. Benedict of Albany, each having an account for spike, was paid by drafts on the Albany city bank, drawn by the Bank of River Raisin, and that said drafts have been paid; that of the sum of fifteen thousand one hundred and three dollars and twelve cents due Davis, Brooks & Co., of New York, there has been paid fifteen thousand dollars by the draft of the Bank of the River Raisin, payable ninety days after date, and this deponent has no doubt but that said draft will be paid when due. There has also been paid to J. L. Whiting & Co. of this city, twelve hundred dollars, for transportation, which payments amount to fifty-five thousand four hundred and seven dollars and ninety-one cents; and that this deponent has in his hands the warrants of the Auditor General for twenty thousand dollars; that this deponent paid the Bank of River Raisin for the draft of five thousand dollars drawn by them to pay Messrs. Corning and Benedict, the draft of the Michigan state bank for the same amount; that said last mentioned draft was protested and returned to this deponent; and he claims that of the twenty thousand dollars of drafts in his hands on the State Treasurer, he has a right to retain five thousand, if it should be necessary, to pay the Bank of River Raisin for their draft above mentioned.

L. S. HUMPHREY.

Sworn and subscribed before me, this 16th day of April, A. D. 1889.

A. H. ADAMS,

Not. Pub., Wayne Co., S. M.

Report of the majority of the Investigating Committee, supplementary to the report of the 13th ult.

The House having refused to discharge the committee appointed on the 31st day of January last, to investigate the acts and affairs of the board of internal improvement, from the further consideration of that subject, the committee have resumed their labors, and a majority thereof respectfully submit the following additional report:

That the amount of defalcations placed to the account of Mr. Humphrey, in the former report of your committee, at \$18,757-24, was predicated on the account of that gentleman, with the board of internal improvement, as furnished to your committee by Mr. A. H. Adams, their book-keeper, and appended to the first report of your committee, was dated on the 27th March last, and consequently, believed by your committee, to exhibit the entire account of Mr. Humphrey, up to that time, with said board, except that portion of his account on the books of the Auditor General, in addition to which, your committee called upon Mr. Humphrey for a statement in writing, of all his transactions, as commissioner of internal improvement, from the date of his report, January 1, 1839, to that time, and which was furnished your committee on the 6th of April, and appended to their former report. Your committee, therefore, feel warranted from the statements above, referred to, in connection with the fact that they corresponded with the vouchers produced for examination to your committee, and by them transcribed, in charging Mr. Humphrey with the above defalcation. Your committee have since become satisfied, however, that both Mr. Adams and Mr. Humphrey committed an error in not furnishing to your committee the full amount of credit to which Mr. Humphrey was entitled, and had actually received upon the books of said board. To explain, it appears that the former board had audited the claims of, or issued their warrant to Mr. Humphrey, dated 7th April, 1838, for ten thousand dollars, through the informality of which, he was unable to procure the endorsement of the Auditor General thereon, and for which reason he did not obtain the money, yet, he seems to have retained it in his possession until the 17th of January last, when it appears to have been passed to his credit, on the books of the board, and which credit was not rendered to your committee in either of the statements above alluded to, and should be deducted from the amount of said defalcation. Yet they still believe, that the amount due by him to the state, on the 21st of February last, (that being the day up to which this account is brought by their investigation,) to have been in his general account, \$8,737 34;

for your committee are of the opinion, that it will distinctly appear from their former report, that Mr. Humphrey has been allowed all that he can justly claim, and all for which he has exhibited vouchers. Notwithstanding the gentleman sets forth in his communication to the House that the Cassopolis survey and several other items therein enumerated, had not been allowed him by the committee, yet, your committee distinctly aver, that all those items were allowed to him, and make part of his credits, with only one exception, viz: \$1,805 57, which had not been either audited or paid to the knowledge of your committee, and which amount has been rejected by the Auditor General. In examining still further into the accounts of Mr. Humphrey, as agent for the state, in paying for railroad iron, your committee will simply state the following facts: It appears that some time last fall, when Mr. Howard, State Treasurer, was in New York, he paid to Messrs Hicks, & Co. on account of iron, the sum of \$98,000. On the 9th of January last, a resolution was adopted by the board of internal improvement by which a warrant was issued by the Auditor General, in favor of Mr. Humphrey, for that sum, which, it is stated, was used to reimburse Mr. Howard for that amount. On the fourteenth of January last, by another resolution of the same board, a warrant was drawn by the Auditor General for the further sum of \$32,328 09, and on the 12th of February following, a similar resolution and warrant was drawn in his favor for \$16,111 08. These several items, making together, \$47,438 32, was placed in the hands of Mr. Humphrey for the express purpose of paying the following bills for iron, which he represented as being due the following persons and firms, viz: Messrs Hicks & Co. \$19,000; J. H. Whitney, \$6,207 91; to the same person, the further sum of \$3,864 96; Davis, Brooks & Co, the sum of \$15,008 12, and Edward Whalen, \$3,263 13.

Your committee have not been able to find any evidence of any payments on account of these bills for iron, with one exception, and that is, the sum due J. H. Whitney, \$6,207 91, which seems to be charged to his account on the books of the state bank, on the 6th of February last, and which, as it corresponds with one of the sums due to Mr. Whitney, is presumed was received from the bank for that purpose. Yet no voucher or other evidence has been exhibited, which will positively establish that as a payment to Mr. Whitney, actually made. In his communication to your committee, on the 6th of April instant, Mr. Humphrey says that the Michigan state bank had drawn a draft in favor of Messrs Benedict and Corning, of Albany, for \$5,000; and also that he has paid Messrs. J. L. Whiting & Co. \$1,200 for transportation. It does not appear what these sums were paid for, if paid at all, no vouchers being presented. The moneys placed in his hands on the 14th of August, and 13th February, were placed

there for the express purpose of paying four different items above enumerated, amongst which, neither of the names last mentioned appear, and consequently, no part of this money could be properly diverted to either of the above objects. By reference to a letter received by Gov. Mason, from Messrs. Hicks & Co. dated March 14th, a copy of which is herewith annexed marked (M.) it appears that the \$19,000 due that firm, had not been paid at that date, notwithstanding, Mr. Humphrey had received the money to pay them on the 14th day of January, two months before. It also appears by that letter, that Messrs. Hicks & Co. claims as due them, \$28,000, while Mr. Humphrey alleged before the board, in January, that only \$19,000 was due them. In short, it appears from Mr. Humphrey's own statement, that he paid only one of the items due Mr. Whitney, viz: \$8,207 91, nearly one month after he had received the money, and that he has made an arrangement with Messrs. Davis, Brooks & Co. for \$15,000, payable in ninety days after that arrangement was made, if made at all, which is believed to have been made about the date of his communication to your committee, on the 6th of April inst., and consequently it follows, that although he may have paid Messrs. Benedict and Corning, the \$5,000, and the Messrs. Whiting & Co. \$1,200, sums not chargeable to this account at all, yet, he has not paid Messrs. Hicks & Co. the \$19,000, nor Mr. Whitney, the \$8,864 06, nor Edmund Whalen, \$3,263 12, being in all, \$26,128 08, notwithstanding the money to pay these claims was placed at his disposal on the 14th day of January last.—Your committee would also call the attention of the House to another remark in Mr. Humphrey's communication, already referred to, which is in these words: "The balance due Hicks & Co. of \$19,000, and the amount due Davis, Brooks & Co. of \$15,103 12, Mr. Norton, (meaning John Norton, jr.) agreed to arrange in New York; I have been advised that they were not paid."

By reference to the letter of Mr. Humphrey, under date of Jan. 26, 1839, and post marked the 26th of the same month, addressed to J. Norton, jr. Esq. New York, a copy of which is herewith annexed, marked (N.) and also by the note of Mr. Norton, addressed to the chairman of your committee of this date, herewith appended, marked (O.) it will be seen that this arrangement only comprehended the \$15,000 due to Davis, Brooks & Co., and that the other sum of \$19,000 to Hicks & Co., three thousand eight hundred and sixty-four dollars and ninety-six cents, to Mr. Whitney, and the three thousand two hundred and sixty-three dollars and thirteen cents, to Edmund Whalen, were not included or even mentioned in that communication.

By reference to the statement of the account of Mr. Humphrey with the state bank, herewith annexed, marked (P.) it will

be seen that on the first day of January last, he was indebted to that institution, as acting commissioner, in the sum of \$31,936 94, and that the amount of the two warrants given to him for and on account of the iron, one on the 14th of January, for \$32,328 02, and the other on the 13th of February, for \$15,111 03, were placed to his credit on or about the same time by the bank, and that these sums having been so placed to his credit, changed the situation of his account in that institution; so that on the 7th day of March last, the bank, without having paid either the \$19,000 00, the \$15,000 00, the \$3,864 96, or the \$3,263 12, was indebted to him only in the sum of \$610 47. The whole account seems clearly to show that the money received by him expressly to pay for iron, was applied to settling up the balance due by him to the bank; and that although he received other moneys by warrants of the Auditor General during the time embraced within the first of January and the 7th of March following, yet but the one sum of \$6,207 91 was ever drawn from the bank for an express payment on the iron account; and when read in connection with his letter to Mr. Norton, the letter of Messrs. Hicks & Co., and his own communication to the committee, plainly exhibits that no part of this money was promptly paid, as it should have been, and that a large portion was not paid, or arranged to be paid, for months after it ought to have been so paid; and that a large sum yet remains unpaid, and which he has not exhibited any evidence of his intention to pay, even up to this time. The warrant of the Auditor General for \$20,000 00, which Mr. Humphrey represents as being in his hands, applicable to the payment of the balance due on the iron account, was obtained from the Auditor on the 14th of March, for work done on the southern railroad, and ought not, in the opinion of your committee, to be diverted from that, its proper and legitimate object.

In connection with the latter subject, your committee are constrained to assert from the evidence given before them during this investigation, that it appears to have been the practice of Mr. Humphrey, to take from contractors and others, their receipt as for moneys paid them for or on account of their work or otherwise, as the case might be, without actually having paid any thing. And in some instances having given his note for the amount, instead of money; with vouchers obtained under such circumstances, he has procured the warrant of the Auditor General on the Treasurer, for the money; and from the evidence above alluded to, your committee are induced to believe that the warrants now in his possession, (if he has not received the money since the 6th instant,) to the amount of \$20,000, may have been obtained under such circumstances, and consequently due the contractors on the road, and therefore could not apply on the debt due for iron. Your committee would also ask the attention of the House to an-

other matter, in connection with the affairs of this commission. It appears from the examination of the contract, that in some cases the law that requires security to be given for the faithful performance thereof was entirely disregarded, and the penal sums that were embraced in some, were omitted in others; establishing a system of favoritism, entirely unwarrantable, in the opinion of your committee.

Mr. E. A. Hathon's affidavit, marked (Q.) will settle very clearly, the question to which that relates, and to which the attention of the House is respectfully called. In conclusion, your committee will take the liberty of saying that the assertion of Mr. Humphrey, in his communication to the House, that he has not had a fair hearing, is unequivocally false, as your committee can establish beyond doubt or contradiction, and your committee feel called upon in self defence, to say that notwithstanding they have been assailed by several of the individuals composing the board of internal improvement, in their communications made to this House, that they have communicated matters to the House, that the facts would not warrant or justify.

All of which is respectfully submitted.

TRUE P. TUCKER,

Chairman of Committee.

IRA JENNINGS,

HENRY ACKER.

(M.)

New York, 3d month, 1839.

S. T. MASON,

RESPECTED FRIEND—We duly received thy favor of the 17th January last, in which thee stated that the board of internal improvement would give their immediate attention to our request, since which we have not heard from them. We have also written to the honorable Levi Humphrey, on the subject, and have not heard from him. Some more of the iron will now shortly arrive here, and we have to advise, that we shall not be willing to deliver it unless we receive a remittance of what is due us, and also, some, on account of what will be arising. Thee will please to communicate this to the board and advise us the prospect of future payment.

We are respectfully,

Thy assured friends,

HICKS & Co.

P. H.—Thou wilt recollect, that thee stated to us that a considerable portion of the money should be paid to us before the arrival of the iron, and the balance on arrival, instead of which, we have not yet received what is due by \$28,000. We have, therefore, to request, that you will make us an immediate remittance, not only for the twenty-eight thousand dollars now due, but for the iron shortly expected.

Thy friends,

HICKS & Co.

(Copy.)

(N.)

Detroit, January 26, 1839.

J. NORTON, Esq.

DEAR SIR—I want you should call on Mr. Whitney, our agent for entering the railroad iron, and find out the amount due Davis, Brooks & Co. for the iron purchased of them last fall, and pay the same. The amount will be about \$15,000; I want duplicate vouchers for the same. Don't fail to attend to this; the board have ordered me this amount, and it is now in the state bank. Nothing new; all will come out straight.

Respectfully,

Your friend,

L. S. HUMPHREY.

J. NORTON, Esq.
City New York.

(O.)

Monday, April 13th, 1839.

Hon. T. P. TUCKER,

SIR—Agreeable to your request I herewith hand you a statement of the request made by L. S. Humphrey, Esq. to me, to pay for iron purchased of Davis & Brooks, New York. When about to leave this city for New York, on or about the 20th of January last, Mr. Humphrey called upon me and requested that I would pay for some iron in New York. I said to him, that I would do so, and requested him to write me at New York the particulars, as I should not probably recollect the circumstances; he accordingly wrote me on the 26th of January, the letter I handed you. I called on Davis & Brooks, and made arrangements with them to pay the amount out of money's that I was to

receive from my negotiations, which was prevented by the suspension of the state bank.

Yours,

Respectfully,

JNO. NORTON, Jr.

(P.)

Levi S. Humphrey, Commissioner, in account with the Michigan State Bank.

DR.

1839.			
Jan. 1.	Balance,		\$31,936 94
2.	To cash,	\$15,000 00	
9.	do	175 63	
11.	do	100 00	
12.	do	12 50	
18.	do	15,134 65	
21.	do	10,000 00	
23.	do	144 00	
25.	do	2,700 00	
26.	do	400 00	
Feb. 6.	do	6,207 91	
9.	do	10,154 00	
13.	do	6,000 00	
14.	do	581 75	
18.	do	900 00	
19.	do	1,101 77	
22.	do	529 50	
24.	do	10,000 00	
Mar. 7.	do	250 00	
			\$79,291 71
	Balance,		610 47
			\$111,939 12

CR.

1839.		
Jan. 2.	By cash,	\$5,000 00
	do	35,000 00
10.	do	4,500 00
18.	do	32,328 09
	Carried forward,	\$

	Brought forward,	\$	
Feb. 18.	do	20,000	00
18.	do	15,111	03
			<hr/> \$111,930 12

Balance,

\$610 47

JAS. A. ARMSTRONG,
Ass't Cashier.

Detroit, 13th April, 1839.

(Q.)

Personally appeared before me, J. O. Graves, a justice of the peace in and for the county of Wayne, state of Michigan, E. A. Hathon, a citizen of said state, who maketh oath to the following facts, viz: That he has acted as clerk to the committee of investigation of the affairs of the board of internal improvement, and that after having examined and arranged all the vouchers in the office of the Auditor General belonging to L. S. Humphrey, he applied to the committee for further papers, if any there were, and received an order upon A. H. Adams, secretary of the board, for the same.

That the said Adams refused to deliver them unless sanctioned by the board, and that as Mr. Robinson, a commissioner of said board, being present, Mr. Adams observed he might do as he pleased. Mr. Robinson replied, that he saw no impropriety in giving them. That the said Adams delivered, what he said were all the papers belonging to the said Commissioner, L. S. Humphrey. That on Monday, 4th March, deponent returned said papers, with an order from the chairman of the committee, for the vouchers of D. C. McKinstry, and was refused them by Mr. Adams, who said that the president of the board, (E. H. Lothrop) would soon be in, and he might do as he liked about complying with the order of the committee; that the president shortly after came in, and was handed the order of the committee by Mr. Adams; after reading which, he gave me a note directed to the chairman of said committee, to whom I gave it, who immediately directed the sergeant-at-arms of the House to wait upon the president, (Mr. Lothrop) with a subpoena, which brought said president before the committee, with the vouchers aught for, together with those of J. B. Hunt. That the said Mr. Lothrop was discharged from attendance upon the committee, but sat down, and turning to deponent, asked if I would make any objection, after examin-

ing D. C. McKinstry's vouchers, to come to the office of the board after the remainder, as they were daily wanted; that deponent replied, that he had no objections if it suited the committee, and appealed to it for an answer; that the answer was in the affirmative, and Mr. Lothrop took J. B. Hunt's (in part) vouchers with him, as I supposed, to the office of the board. That on the 14th of March, as near as deponent recollects, he called at the office of the board for the papers, and found neither president or vouchers; that the next morning, deponent called at the Exchange for Mr. Lothrop, who was at breakfast; afterwards met him in at the hall of the third story, and was taken into his room and received the required papers.

That deponent on the 22d of March, was sent by the committee to the board, for copies of the accounts of the acting Commissioners generally; that Mr. Adams laid the ledger upon the desk, and opened it at the account of L. S. Humphrey, which he took some papers to copy, but Mr. Adams prevented him, saying that no man should take a copy of his books, save himself, when he drew out the account, but did not subscribe it; that deponent returned, and the committee did not think it in a proper form for examination, and ordered it to be returned for Adams' signature, which Adams refused to attach, but gave deponent another document, marked (F) in the report of the committee, dated 27th March, 1839.

At the committee's request, deponent asked Mr. Adams to sign document (C,) in said report, it being in his own hand-writing, which he refused to do, saying "that he only copied it for General Humphrey, and that he should not vouch for its accuracy." Deponent then asked him (Mr. Adams) to sign the statement of the Commissioners' appointments, &c., in the hands of the committee.

That deponent avers to the fact that L. S. Humphrey was present at all the examinations of witnesses on the southern railroad, with the exception of one afternoon, when L. G. Budlong was examined, whose testimony, however, was subsequently handed by the chairman to Gen. Humphrey, with permission to recall witness for further examination.

Deponent saith that General Humphrey, or any other Commissioner, has never been denied access to the arrangement of their vouchers; on the contrary, Gen. Humphrey has examined the same himself, as also J. S. Dutton. On the 6th April, 1839, Mr. Adams was called before the committee, and asked if there were any more papers or accounts of the board that had not been given to the committee, to which he replied in the negative. All the vouchers and papers given to deponent for the committee, by Mr. Lothrop himself, and by Mr. Adams, have been

returned to the office of the board and a receipt required for the same.

A. E. HATHON.

Sworn and subscribed before me, this fifteenth day of April, 1839.

J. O. GRAVES,

Justice of the Peace.

(No 48.)

Message of the Governor.***To the House of Representatives :***

I return without my signature, to the House in which it originated, a bill entitled "An act for the relief of certain settlers on university and state lands." In refusing my sanction to the provisions of this bill, I am governed by an imperious sense of public duty, urged upon me by the solemnity of my official oath. The determination I make, is a painful one. It has been framed, however, after mature and anxious deliberation, and cannot be resisted.

The ostensible object of the bill, is to secure to certain settlers on public lands, their just rights under the pre-emption law of Congress, which it is alleged have been interfered with by the state. Does the bill meet the object intended, and are its provisions limited to the designs of the legislature?

I will not permit myself to inquire into the equity of the claims of these settlers. I do not stop to ask, how far the eager hopes of the people of Michigan in an institution fraught with benefits to thousands yet unborn, are crushed by the measure proposed to me. The pre-emption law was framed for the protection of the bold and daring pioneer, who leads the march of civilization, and proclaims to the world the unknown beauties and hidden resources of our western wilderness. For the protection of such men, was the law designed, and if the applicants under the bill before me, are entitled to the right of property in the lands in question, not even for the holy purposes of education, should that right be disturbed. How far then these claimants come within the spirit and intentions of the legislation of Congress, I leave the legislature to determine. To the representatives of the people properly belongs the decision of all such questions. Appreciating as they ever should, the high interests committed to their charge, I am bound to believe, that such claim, under this bill, has undergone the most rigid scrutiny, and that none other save a disinterested sense of justice, an anxious desire to protect the rights of the citizen, and a high sense of what is due to the character of the state and our institutions, could have induced your sanction to the measure proposed by the bill before me. If then a mere question of expediency was involved in the bill, it might become my duty to yield to it my unhesitating assent. But my solemn convictions sanction no such conclusion.

By the first section of the bill, you propose to sell at \$1 25-100 per acre, **ANY LANDS LOCATED FOR UNIVERSITY PURPOSES**, if it is proven they were occupied and cultivated as pointed out by the pre-emption law of Congress, before their location by the state. Where is the necessity for this unlimited provision, releasing all lands located for university purposes, whether heretofore claimed by individuals or not? What is the object of this wholesale temptation to fraud and perjury? The applications before you, have emanated from that highly respectable class of settlers whose rights are affected by the locations on the Niles and Notawassippi reservations, and on the Grand and Muskegon rivers. The relief asked by these claimants, should have been extended to them wherever their claims were found to be meritorious. I am anxious to afford that relief, and I regret that their rights have been jeopardized by a wholesale species of propagandism in search of adventurers to claim your public lands.

The Congress of the United States "have granted and conveyed these lands to the state, to be appropriated **SOLELY** to the use and support of the University of Michigan." The state has accepted these lands, and the constitution enjoins, "that the legislature shall take measures for their *protection and improvement*, and also provide means for the *permanent security* of the funds of the institution." These are the solemn conditions by which the state holds this sacred trust; and yet by one single enactment, you place all the lands thus held in trust, in market, at \$1 25-100 per acre, no matter what their value, when located or how claimed. Yet it may be said, they are protected by the provisions of the bill from all illegal claims. What is that protection? The feeble barrier of an oath, held out with a bribe and reward for its violation by bad and wicked men. Can this be a faithful administration of the trust committed to us? Is it the appropriation of these lands *solely to the use and support of the University of Michigan*, as required by the compact with the United States, or their *protection and improvement*, as enjoined by the constitution?

But the second section is still more fatal to this bill. You there propose to **SELL** at \$1 25-100 per acre, "**ANY** state lands of this state." What are the lands thus contemplated to be sold? Lands for the erection of public buildings, and lands attached to the state salines. These lands are donations under the propositions of Congress at the time of the admission of the state into the federal union, and were accepted by the ordinance of July 25, 1836. This ordinance is declared "*to be irrevocable without the consent of the United States*," and by the express terms of the grant, as confirmed by the ordinance, the salt springs and lands attached "are granted to the state for its use alone; they are to be *used* on such terms as the legislature may direct, and shall **NEVER BE SOLD OR LEASED** for a longer period than ten years, **WITHOUT THE CONSENT**

or CONGRESS.² It is clear then, that the bill before me is palpably unconstitutional, and cannot receive my sanction, without a reckless violation of my official oath.

By this decision, I am not unmindful of the responsibility I assume; nor am I forgetful of the wrong I may inflict on some meritorious claimant. I therefore regret that the bill is so general in its features. To a constitutional measure of relief, my sanction would be readily given. If the legislature in their wisdom will propose a remuneration to the claimant from the general fund, either in money or by the purchase of other lands, or by any other mode which will remove the unconstitutional features of the present bill, it will be my duty to sanction it. My present objections do not arise from hostility to the claimants, but from insuperable objections to the mode pointed out by the legislature. Every personal feeling and sympathy are with the advocates and friends of this measure. My first impulse would lead me to give it my sanction. But the convictions of my judgment and my oath, warn me to yield to no such temptations. I know the personal consequences that are to flow from this act. I am aware how little I gain and how much personally I may lose. But in the conscientious discharge of my official trust, those considerations shall never control me. I perform a duty I owe to myself, and I leave the result to a liberal and enlightened people.

S. T. MASON.

EXECUTIVE DEPARTMENT. }
April 17, 1839. }

(No. 49.)

**Communication from the Auditor General relative to
the Agreement with the Bank of Michigan.****AUDITOR GENERAL'S OFFICE, }
Detroit, 12th April, 1839. }****To the Hon. KINSELEY S. BINGHAM,
*Speaker of the House of Representatives :***

In compliance with a resolution of your honorable body of 8th inst. communicated this morning to me by Mr. E. J. Roberts, Clerk of the House of Representatives, I herewith transmit a copy of the agreement made and entered into with the president of the Bank of Michigan, pursuant to an act authorizing me to negotiate for advances on certain instalments on the five million loan.

Respectfully, your most obedient servant,

(Signed,)

ROBERT ABBOTT.**AGREEMENT.**

Articles of agreement made and concluded by and between Robert Abbott, Auditor General of the state of Michigan, of the first part, and the president, directors and company of the Bank of Michigan of the second part, on the third day of April, in the year of our Lord one thousand eight hundred and thirty-nine, in pursuance of the provisions of an act of the legislature of the state of Michigan, approved the twenty-ninth day of March, A. D. 1839, entitled "An act to authorize the Auditor General of the state to obtain money on the credit of certain instalments of the five million loan."

First. The said Auditor General for and in behalf of the state, and in pursuance of the powers vested in him by said act, does hereby covenant and agree to and with the said president, directors and company of the bank of Michigan, and their successors in office, to "sell and deliver to said bank the drafts for the instalments to become due on the five million loan in the order in which said instalments shall become due," until the next annual meeting of the legislature of the state of Michigan, to wit : three drafts for the several instalments falling due on the first days of July, October and January next, subject, however, to the following provisions, namely : That neither the second nor third drafts,

that is to say, the drafts for the second and third instalments, shall be delivered to the said bank until the state shall have been duly paid by the said bank the full amount due upon the preceding drafts, by disbursements in pursuance of said act, and that said draft for the third instalment shall not be delivered to the said bank if the funds now in the Michigan state bank, belonging to the state, shall become available before the money is wanted for internal improvement purposes.

Second. The said president, directors and company of the Bank of Michigan, for themselves and their successors in office, do covenant and agree to and with the Auditor General of the state of Michigan, to purchase and receive of him the said drafts, subject to the condition set forth as above, and to place to the credit of the internal improvement fund of this state, the amount of each draft so received, at the time the said drafts shall be delivered to the said bank, deducting therefrom interest at the rate of six per cent per annum, and to apply the same in payment of claims against the state, for labor done and materials furnished on her works of internal improvement, as directed by law.

Third. And the said president, directors and company of the Bank of Michigan, do further covenant and agree to and with the said Auditor General, to disburse and pay out the proceeds of said drafts free of all and every charge and expense to the state of Michigan, and to pay out all moneys received from the first draft before receiving any subsequent, and that they, the said president, directors and company, will, on or before the receipt of either of said drafts, execute and deposite with the Auditor General, a bond with good and sufficient sureties, to be approved by the Auditor General and Treasurer of the state, for the payment to the state of all moneys received by said bank in pursuance of this agreement.

Fourth. It is further mutually covenanted and agreed by and between the parties to this instrument, that whereas doubts exist in the mind of the Auditor General whether (under the contract made between his excellency Stevens T. Mason and the Morris canal and banking company, dated the first day of June, A. D. 1838, and the subsequent letters between the same parties,) the said drafts are payable on the first days of July, October and January next, respectively, or at thirty days' sight after those dates, the said Auditor General shall deliver to the said bank two sets of said drafts for the same amounts. One set to be made payable on the said first day of July next, and the other set at thirty days' sight thereafter; and that the said bank shall despatch a special messenger to New York with said drafts, who shall employ such counsel as he may require, at the sole expense of the said bank; that if the said drafts payable on the first day of July next shall be accepted, the other set shall be returned to the As-

ditor General to be cancelled by him ; but in case the said first mentioned drafts shall not be accepted, for the reason that they are not drawn payable at thirty days' sight after the said first day of July, as proposed in the correspondence aforesaid, then the said first set of drafts shall be returned to the Auditor General, and the second set shall be retained by the said bank. The object of this provision being the protection of the credit of the state and to avoid a protest upon its drafts.

Fifth. In case the Auditor General shall deem it expedient to retain from the first instalment the sum of fifty thousand dollars for the payment of interest due on the state bonds, or otherwise, the first drafts shall be for the remainder of the said instalment only.

In testimony whereof, these presents are signed by the said Auditor General and by the president and cashier of the said Bank of Michigan, and the seals of the said Auditor General and of the said bank are hereunto affixed on the day and year first aforesaid.

Executed in duplicate in presence of

JOHN M. CHASE.

ROBERT ABBOTT,

Auditor General State of Michigan.

C. C. TROWBRIDGE,

President of the Bank of Michigan.

H. K. SANGER,

Cashier of the Bank of Michigan.

I certify that the foregoing is a correct copy of the original on file in this office.

ROBERT ABBOTT.

AUDITOR GENERAL'S OFFICE, }
Detroit, 12th April, 1839. }

(No. 50.)

**Report on the Cedar and Grand River Branch of the
Clinton and Kalamazoo Canal.**

OFFICE OF INTERNAL IMPROVEMENT, }
Detroit, February 25, 1839.

To the Hon. the House of Representatives :

I have the honor of transmitting to the legislature a report of the survey of the Cedar and Grand river branch of the Clinton and Kalamazoo canal, made in pursuance of a resolution of the late board of internal improvement, and referred to in the annual report of this board.

By order of the board.

E. H. LOTHROP, *President.*

REPORT, &c.

To the Honorable the Commissioners of the Board of Internal Improvement.

GENTLEMEN: Agreeable to a resolution of your board instructing me to make an examination and survey for a canal route from some eligible point on the main line down the valley of the Cedar river to the navigable waters of the Grand river, I respectfully report :

That the examination and survey has been made, and the route found practicable and feasible. This route in point of importance and interest to the state, has much merit, and perhaps may be considered the most important connection that can be formed in the state, uniting the great thoroughfare across the peninsula with the rich and fertile valleys of the fairest portion of Michigan—a section of the state perhaps unsurpassed in the richness of its soil, the abundance of its valuable timber, and the superabundance of its invaluable water power, which is met with through the whole extent of the route on the Cedar, the Lookingglass and Grand rivers and their numerous tributaries. It opens into the mineral region, which from present examinations bids fair to become of immense importance to the state.

It intersects at Lyons, (at the mouth of the Maple,) the northern railroad route, and at Ionia, a few miles below, the navigable

waters of Grand river; intersecting also the route of steamboat communication between the navigable waters of Grand river, by the way of the Maple and Saginaw canal, to Lake Huron. These and many other advantages, with a population rapidly increasing and unsurpassed in persevering industry and enterprise, entitle this route to much consideration; and were this work now completed in connection with the eastern division of the main route, I think there is nothing hazarded in predicting the time not far distant when it would pay a revenue into the state treasury. Although many may have their fears and forebodings that our system of internal improvement is fraught with ruinous consequences to the interests of Michigan, yet I feel an entire confidence, from the knowledge I now have of the natural resources of the state, its relative position to the country bordering on Lake Michigan and stretching to the far west, that we can embark in no policy so well calculated to ensure her rapid growth and prosperity as that of judiciously prosecuting our system of internal improvement.

Of this branch to the general system, it will require only a glance of the eye over our state map, to see the important position which it would hold in our scale of internal improvement. Diverging from the main route at a point but one-third of the distance across the state from Lake St. Clair, and after traversing the rich valleys of the Cedar, the Lookinglass and Grand rivers, terminates at the head of steamboat navigation on the latter, (the largest river in the state,) and at a point from its junction with Lake Michigan in a direct line, equaling one-third of the distance across the peninsula. Then by constructing a canal, only about one-third of the distance across the state, another channel of communication is opened to the shores of Lake Michigan, through a portion of country where nature, in bestowing her rich bounties, has been lavish beyond what I have met with in any other portion of the state; and her enterprising population is fast developing the resources which are destined to freight our canals, our railroads, and our navigable rivers. With the prospect and encouragement of being soon reached by some navigable channel of communication, the hidden treasures will be sought out, and Michigan, instead of being a sterile country, destitute of articles of transportation to make her public works productive, will be found rich in her treasures, and abundant to make her public works (with economy in their construction,) of vast utility to her citizens and productive to her treasury.

This route commences at the end of the first division on the main line, in the valley of Shiawassee river, about two miles west of Livingston county centre, the village of Howell, and gradually diverging from the main line, crossing the dividing ridge between

the Shiawassee and Cedar valleys, under favorable circumstances, as will be seen by the estimate of the section.

A line was run by the village of Howell with a view of crossing the Shiawassee a short distance below the present crossing of the Grand river turnpike, and intersecting the Cedar route again at the point of crossing the Big marsh. But the high ground, bordering upon the west branch of the Shiawassee river, was found too high for any level we could assume.

The valley of the Cedar is mostly very favorable for canaling. At the Big marsh, a level was taken with a view to ascertain the practicability of crossing at that point from the valley of the Cedar to that of the Lookingglass. We did not reach the summit, yet I have no doubt a level could be assumed that would find it an easy and feasible route.

A little to the west of the principal meridian line, I found the country uneven and much broken, the river crooked, and the banks rising into high bluffs from fifty to eighty and ninety feet in height, with broad and deep valleys occasionally intervening, which induced me to keep a high level and carry the line back from the river.

At the north bend of the Cedar, below the junction of the outlet of Pine lake, on section thirteen, town four north, of range two west, I intersected a line with the Cedar river, but on meandering the stream below this point, we found it very crooked and in some places shallow. I also continued the line across to Grand river, intersecting at the mouth of Alcott's creek, on section nine. The last mile and a half on this line is objectionable, from the embanking it would require across a wide swamp and the deep cut through the high ground bordering upon the east bank of Grand river.

This could, however, be mostly avoided by changing the route to the south and intersecting Grand river near the junction of the Cedar. The objection to intersecting with Grand river at this point and making it the point of termination for the canal route, is, that the river is extremely crooked below and not navigable except in high water, above the mouth of the Lookingglass, or Lyons, at the mouth of the Maple. The country from this point to the junction of the Lookingglass with Grand river, lying between the two rivers, is mostly high and rolling, interspersed with low valleys, swamps and marshes, which would be difficult to overcome without great expense in the building a canal and making a line so crooked that it would be a serious objection to the route.

From these considerations, after traversing the country, I was induced to examine a route from the valley of the Cedar, by way of Pine lake and Prairie creek, to the valley of the Lookingglass river, which resulted favorably, and is the route on which I have

based my estimates. From the mouth of Prairie creek an examination was made with a view to intersect some of the south branches of Stoney creek and get a line as direct as practicable, to the mouth of Maple river. But the country being too high, rising eighty feet above the level, it determined my course down the valley of the Lookinglass. I made another examination to reach the valley of Stoney creek between Scott's and Waterloo; up the valley of Marvin's brook, but found the country again too much elevated for the level.

A third examination was made opposite to the village of Waterloo and one of the tributaries of Stoney creek, on the summit, was intersected with suitable cutting for our level; but its course lay in a northeast direction and at right angles with the one I was desirous of pursuing, which again induced me to return to the valley of Lookinglass. It was not from any obstructions met with in the valley of the Lookinglass that induced me so often to make an effort to reach the valley of Stoney creek; my object was to get, if possible, as good a line and shorter distance. Below the village of Waterloo, we found the country some broken, and five miles from the mouth of the Lookinglass, we encountered high bluff banks on the river, rising from forty to one hundred feet above the bed of the stream. After much examination, we discovered a favorable route through a natural ravine, passing from the low ground on the east, through the high ridge, and connecting the valley of a brook on the west. After crossing the brook we met with another bold ridge, the summit of which rises thirty feet above the level. This ridge is narrow, and no break or ravine was found through it. From the west side of this ridge a line was run down the valley of the Lookinglass to its junction with Grand river, and was found to be a cheap and feasible route. From this point, a feasible route, I think, might be located down the valley of Grand river, and obviate much of the expense of the deep cut in crossing from the Lookinglass to the head waters of Goose creek; the same objections, in a measure, may be urged against terminating the canal at this point, that were made to intersecting near the mouth of the Cedar, though the river is less serpentine in its course below than above, the depth of water on the bars varying some from that above, but is not of sufficient depth to admit the passage of loaded boats that would be used on the canal.

From the mouth of the Lookinglass a level was run up the valley of a brook on the west side of Grand river, to ascertain the practicability of a route directly across to Ionia; but the summit was found from sixty to seventy feet above the level with which we could cross Grand river, which rendered this route impracticable.

The route estimated diverges from the one continued down the

valley, of the Lookingglass, after crossing the ridge of deep cutting, and bears to the right, and in consequence of taking up a lock to favor the deep cut across the summit, a heavy embankment is incurred on the two first sections after the diverging point; but this could be obviated by varying the line to the right. The estimates are based upon the line as run. The deep cut across the summit, I think, could not be lessened materially, except by crossing it with a higher level, which, I think, is practicable. The deep cutting extends one mile and sixty-six chains, and is from ten to twenty-six feet deep. After crossing the summit the route is located down the valley of Goose creek to its junction with Grand river, then down the valley of Grand river to the village of Lyons. Here I again intersected that river, at a point claimed to be the head of steamboat navigation. I was informed that boats carrying from ten to fifteen tons, have already ascended to this point, but from the statements of respectable men, that in low stages of water there were bars in the river between Lyons and Ionia, on which the water was less than two feet deep, I thought proper to cross the river at Lyons, and extend the survey to a point on the river opposite the village of Ionia, where a safe and easy connection with the river can be had.

This route, in connection with the eastern division of the main line when constructed, will open a more direct communication to market, for as rich and a greater extent of territory, than any other contemplated work, of the same distance, in the state; and over no portion of the state of the same extent is there to be met with any thing in proportion to the amount of water power that can be improved upon this route.

Abundance of good stone and sand are met with in the vicinity of this route, suitable for the construction of locks, aqueducts, and culverts. On Grand river, the most of these materials were found. Indications of ledges were observed on the banks of the Lookingglass. One quarry had been opened and stone for building purposes had been taken out. The appearance of the quarry, however, was not very favorable. Others were examined which had not been broken into, but none of these indicated as good a quality of stone as those examined on Grand river, at the sandstone ledge, and a few miles below. Coal was found of good quality at the sandstone ledge, from one to four feet thick; neither lime nor hydraulic cement were discovered on this route, except in detached surface specimens. Appearances of iron were frequently noticed, but not sufficient, however, to induce the belief that it existed to any considerable extent.

The amount of lockage upon this route, is two hundred and seventy-six feet. The locks are favorably located at different points along the line. The descent from the starting point on the main line to the Cedar river, at the Cold spring, and down the

Cedar and Grand rivers, is as follows: from the starting point on the main line, to Cold spring, near the junction of the Big marsh, is forty feet; from Cold spring to the north bend of the Cedar, is thirty-nine feet, and the distance by the river, is twenty-nine miles and five chains; from the north bend to the mouth of Alcott's creek, on Grand river, the descent is seventeen feet, and the distance is seven miles and thirty-two chains, and is one mile and thirty-six chains below the junction of the Cedar and Grand rivers.

The Cedar is a pleasant stream of limpid water, varying from thirty to one hundred feet in width, generally shallow, and often obstructed by fallen trees and drift wood. Its tributaries are many of them fine spring brooks, suitable for driving machinery and milling purposes. The descent in Grand river from the first intersection at the mouth of Alcott's creek below the junction of the Cedar to the mouth of the Lookinglass, is one hundred and five feet, and the distance by the river is thirty-nine miles and seventy-five chains. From the junction of the Lookinglass to Lyons, the descent is sixty feet, and the distance by the river is seventeen miles and forty-nine chains; from Lyons to Ionia by the river, is seven miles and two chains, and the descent seven feet.

Between the junction of the Cedar and the mouth of the Lookinglass, in passing down Grand river, twenty-seven bars were found, on which the water was less than two feet deep. Seventeen of these were less than a foot and a half, and nine of them not exceeding one foot. Between the mouth of the Lookinglass and Lyons, were found thirteen bars, on which the water was less than two and a half feet deep, seven of which were less than two feet, and four not exceeding one foot and a half. These examinations were made during the last part of October, and the first of November: from Lyons to Ionia, the soundings were not taken until heavy rains had swollen the river, and no less than five feet of water was found. Grand river, though in many places shallow, is a broad and majestic stream, and varies between low and high water, from ten to twelve feet, laying under water in flood time, most of its rich bottom lands. The many islands, the crookedness of the stream, and its uncontrollable floods, will ever present a barrier against improving the bed of the river above Lyons, or the mouth of the Lookinglass; as it could only be done (to answer the increasing demands of the country,) by slack water navigation, and this would require too many dams ever to insure a safe and certain navigation on a stream of the character of Grand river.

The estimates upon this route, are based upon the same dimensions of canal as those upon the main line, viz: 32.5 feet width of bottom; fifty feet at top water line, and five deep; slope of banks one and three-fourths base to one foot rise.

Berm and towing-path banks are eight and ten feet wide on the top. The locks and bridges are the same as on the main line. The route is divided into sections of one mile and one chain each, and each section has a general description of the country over which it passes; the character of the timber and quality of the soil; the number of cubic yards of excavation and embankment; grubbing and clearing, locks, aqueducts, culverts, drains, and bridges, with tabular sheets annexed to the report, comprising at one view, the estimates and cost of the different sections; also, the estimates of the routes that diverge from this line to their intersection with Grand river. The Cedar, the Lookingglass, and Grand rivers, were all meandered from where they were intersected to the termination of the line at Ionia, which will show their position to the line on the maps. The estimates are as follows:

Section 73,

Contains 81 chains, and is located on the main route for the first forty chains, on the brow of a ridge bordering on a tamarack marsh. The residue crosses an arm of the marsh, which is from five to six feet below the level, then over a ridge of four chains in distance, and from eleven to fourteen feet cutting. The residue of the section has suitable cutting through marsh and openings, and terminates in open marsh, twenty-five chains west of road leading from Howell to Jackson. Timber, oak and tamarack; soil, muck and sandy loam; and has

22,942 cubic yards of excavation, at 12 cents per yd,	\$2,753 04
43,136 " " embankment, at 12 cts. per yd,	5,176 32
Grubbing and clearing,	390 00
One road bridge,	700 00
One drain,	62 00

\$9,081 36

Section 74,

Contains 81 chains; has a good location and suitable cutting, crossing marshes and plains intersecting the section line between sections 32 and 33, at the forty-eighth chain, and terminating in a marsh near a tamarack swamp. On this section, is proposed a lock of six feet. The soil is muck and sandy loam; timber, oak on the plains; it has

30,623 cubic yards excavation, at 12 cts per yard,	\$3,674 76
160 " " embankment, at 10 do	16 00
Grubbing and clearing,	225 00
One lock 6 feet lift, at \$1,381 33, per foot lift,	8,288 00
One lock-house,	450 00

Carried forward,

\$

Brought forward,	\$	
One farm bridge,		494 00
		<hr/>
		\$18077 76

Section 75,

Contains 81 chains ; passes through a marsh and tamarack swamp, and has from four to five feet cutting ; a few chains to the right, is dry land, rising into gradual swells. The timber on this section is mostly tamarack ; soil is muck and wet ; it has		
40,128 cubic yards of excavation, at 14 cts per yd.	\$5,817 92	
Grubbing and clearing,		540 00
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		\$6,157 92

Section 76,

Contains 81 chains ; the first forty chains are located on the border of a marsh in timbered land, the residue mostly through open marsh, and terminates in marsh meadow bordering upon hard land, and in the valley of the Cedar river. Timber, elm, ash, hickory, white and yellow oak. On this section the Cedar river could be used as a feeder with little expense ; soil is muck and sandy loam.		
27,231 cubic yds. of excavation, at 13 cts. per yd.	\$3,540 03	
12,071 " embankment, at 10 cts. do		1,207 10
Grubbing and clearing,		387 00
		<hr/>
		\$5,134 13

Section 77,

Contains 81 chains ; this section passes mostly through swamp and marsh, and has suitable cutting for the banks, and is in the valley of the Cedar ; swamp is timbered with elm, ash and bass-wood ; soil, muck and loam. It will require		
20,761 cubic yds. of excavation, at 11 cts. per yd.	\$2,283 71	
4,652 " embankment, at 10 cts. per do		465 20
Grubbing and clearing,		420 00
One farm bridge,		424 00
		<hr/>
		\$3,592 91

Section 78,

Contains 81 chains, and has an even surface interspersed with marsh, swamp, and timbered land, is in the valley of the Cedar ; soil, muck and clay loam ; has suitable cutting, and will require

27,841 cubic yds. of excavation, at 11 cts per yd,	\$2,062 51
Grubbing and clearing,	432 00
	<hr/>
	\$3,494 51

Section 79,

Contains 81 chains; passes over some marsh and oak openings, and crosses the Grand river road, near John M. Fowler's house, and terminates five chains west of Cole brook, which will require a culvert of six feet span of arch to pass its waters. This section has a good location; the soil is muck and clay loam. It will require

35,939 cubic yds of excavation, at 12 cts. per yd.	\$4,312 68
5,368 " embankment, at 10 cts per yd.	536 80
One culvert of 6 feet chord, 230 perches, at \$4 50	
per perch,	1,035 00
One road bridge,	700 00
Grubbing and clearing,	255 00
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	\$6,839 48

Section 80,

Contains 81 chains, and is located over ground gently inclining to the south, of a sandy loam and gravelly soil. This section passes through oak openings near Indian camp. It has

29,789 cubic yards of excavation, at 11 cents per yd.	\$3,276 79
10,830 " embankment, at 10 cts per yd.	1,038 00
One culvert 6 feet chord, 236 perches, at \$4 50,	1,062 00
Grubbing and clearing,	414 00
One farm bridge,	424 00
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	\$6,259 79

Section 81,

Contains 81 chains; surface, undulating and some broken by ravines. It passes through oak openings, and terminates in edge of marsh; soil is sandy loam, gravel and muck. On this section is proposed to drop a lock of 8 feet. It has

17,691 cubic yards of excavation, at 12 cts per yd.	\$2,122 93
27,682 " embankment, at 14 cts per yd.	3,875 48
One lock 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
One drain,	62 00
Grubbing and clearing,	458 00
One farm bridge,	424 00
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	\$16,752 40

Section 82,

Contains 81 chains. The first 27 chains pass through a marsh and tamarack swamp, the surface of which is from one to two feet below the level, and will require two banks; the residue is through timbered land; timber, white and yellow oak, beech, maple, elm, cherry and basswood; soil, a rich sand and gravelly loam. It has

30,783 cubic yds of excavation, at 12 cts per yard,	\$3,698 96.
28,563 " embankment, at 15 cts.,	4,284 45
One drain,	62 00
Grubbing and clearing,	570 00
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	\$8,610 41

Section 83,

Contains 81 chains; it crosses over low ground for the first half of the section, and crosses the big marsh near the Grand river road. This marsh lies from two to six feet below the level, and from levels taken up the marsh, it is possible a feasible route might be obtained across the valley of the Lookinglass river. The last half of the section is located on the side of a ridge bordering upon the Cedar river, and terminates near Cold spring, against an Indian camping ground. The first half of this section is on heavy timbered land, and the last half is in openings; soil, muck, sandy loam, gravel and stone; it has

22,242 cubic yards of excavation, at 12 cts per yard,	\$2,669 04
50,800 " embankment, 13,	6,604 00
One culvert of 6 feet chord, 236 perches, at \$4 50;	1,062 00
One road bridge,	700 00
Grubbing and clearing,	498 00
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	\$11,533 04

Section 84,

Contains 81 chains; has an even surface, gently inclining to the south, and mostly through openings, leaving the river bank after the first twenty chains. Soil, sandy loam and gravel; it has

36,807 cubic yards of excavation, at 12 cts per yd.	\$4,416 84
5,295 " embankment, at 12 cts.	635 40
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One road bridge,	700 00
Grubbing and clearing,	654 00
One lock house,	450 00
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	\$16,216 24

Section 85,

Contains 81 chains; has an even surface, and from two to four and a half feet cutting; is interspersed with swamps, marshes and timbered lands. The soil is sandy and clay loam. Has

29,802 cubic yds of excavation, at 12 cts per yd.	\$3,576 24
1,005 " embankment, at 12 cts.	120 00
Grubbing and clearing,	711 00
One farm bridge,	424 00

\$4,831 84

Section 86,

Contains 81 chains, and is similar to the last section.	Has
38,617 cubic yards of excavation, at 13 cts per yd.	\$5,020 21
1,454 " embankment, at 13 cts.	189 02
Grubbing and clearing,	998 00

\$6,145 23

Section 87,

Contains 81 chains; crosses over rising ground, and has from two to sixteen feet cutting, and terminates on the brow of the ridge on the east side of the valley of Camp creek. This section passes through heavy timbered land; timber is beech, maple, elm, basswood and ash; soil, sandy and clay loam. It will require

110,578 cubic yds of excavation, at 14 cts per yd.	\$15,494 92
5,010 " embankment, at 13 cts.	601 20
Grubbing and clearing,	912 17

\$17,008 12

Section 88,

Contains 81 chains. This section crosses Camp creek at the twenty-first chain, it then continues in the valley of said creek on the west side for twenty chains; then bears a more westerly direction over a gently inclined surface to the south, and terminates in a black ash swamp, in eight feet cutting. This section is mostly through heavy timber of the common forest trees. The soil is sandy loam and muck. It has

76,242 cubic yds of excavation, at 13 cts per yard.	\$9,131 46
Grubbing and clearing,	681 00
One farm bridge,	494 00

\$10,306 46

Section 88,

Contains 81 chains; is heavy timbered for the first sixty-four chains, and surface inclining to the south and west; it then crosses the valley of a small brook which will require a culvert and an embankment from six to eight feet for a distance of fifteen chains, and terminates on the west bank of the brook in ten and a half feet cutting. This section passes through an Indian sugar encampment; timber, mostly maple; soil, sandy loam and gravel. It will require

38,948 cubic yards of excavation, at 13 cts per yard,	\$5,062 59
51,446 " embankment, at 14 cents,	7,202 44
One culvert of 8 feet chord, 567 perches, at \$4 50 per perch,	2,551 50
Grubbing and clearing,	723 00

\$15,539 53

Section 90,

Contains 81 chains; bears a more southerly course, and crosses Grand river road at the forty-seventh chain, then curves to the west and terminates on the bank of the Cedar river. Timber is beech, maple, basswood, oak and elm; soil, sandy loam and gravel. The first twenty-one chains has from six to fifteen feet cutting, the residue of the section has suitable cutting, the surface inclining to the south. It has

47,505 cubic yards of excavation, at 13 cts per yard,	\$6,175 65
8,826 " embankment, at 13 cents,	1,147 38
One road bridge, at \$700,	700 00
Grubbing and clearing,	889 00

\$8,912 03

Section 91,

Contains 81 chains; is located near the bank of the Cedar, and at the fifty-fourth chain crosses the valley of Stoney creek, which will require a culvert of ten feet span of arch, and an embankment for nine chains, from three to fourteen feet. On this section it is proposed to drop two locks of eight feet each. Timber as last described; soil, sandy loam and gravel, and will require

26,216 cubic yards of excavation, at 13 cts per yard,	\$3,408 08
26,796 cub. yds. of embankment, at 13 cts.	3,483 74
Two locks of 8 feet lift each, at \$1,170 per foot lift,	18,720 00
One lock house,	450 00
One culvert of ten feet span, 468 perches, at \$4 50 per perch,	2,106 00
Grubbing and clearing,	648 00

\$28,815 82

Section 92,

Contains 81 chains. It has a good location, and crosses the valleys of two small brooks which will require but one culvert; continues near the Cedar. Timber is beech, maple and oak; soil, sandy loam and gravel. On this section it is proposed to drop one lock of 8 feet. It has

28,525 cubic yds. of excavation, at 13 cts per yd.	\$3,708 25
14,757 " embankment, at 13 cts. "	1,918 67
1 lock of 8 feet lift at \$1,170 per foot lift,	9,360 00
1 culvert of 6 ft. chord, 236 perches, at \$4 50 per perch	1,062 00
1 lock house,	450 00
1 road bridge,	700 00
Grubbing and clearing,	750 00

\$17,948 92

Section 93,

Contains 81 chains; continues on a fine table land above the Cedar and Indian improvements and camping grounds, and terminates on the east bank of Eaton creek. Timber, beech, maple, white oak and basswood; soil, sandy loam and gravel, and has

47,018 cubic yds. of excavation, at 13 cts. per yard,	\$6,112 34
11,845 " embankment, at 13 cts. "	1,539 85
2 culverts, 3 feet chord, each 250, at \$4 50 per perch,	1,125 00
1 road bridge,	700 00
Grubbing and clearing,	651 00

\$10,128 19

Section 94,

Contains 81 chains. This section crosses Eaton creek, which will require a culvert of six feet span, and a short embankment; it then crosses a ridge a distance of 9 chains, from six to thirteen feet cutting; the residue has suitable cutting and good location near the bank of the Cedar, and terminates in the Grand river road. Timber is white oak, beech, maple, basswood, white ash and elm; soil, sandy loam, clay loam and gravel, and has

42,620 cubic yards of excavation, at 12 cents per yard,	\$5,114 40
4,540 " embankment, at 12 cts. "	444 80
One culvert of 6 feet chord, 236 perches, at \$4 50 per perch,	1,062 00
Grubbing and clearing,	528 00

\$7,249 20

Section 98,

Contains 81 chains ; is mostly located on the brow of the second table land above the Cedar, passing through an Indian burying ground on the bank of the river at the thirtieth chain. It has a good location, and terminates on sloping ground above the river bank. Timber is beech, maple, oak and basswood ; soil, sandy loam and gravel. It has

17,715 cubic yards of excavation, at 12 cents per yard,	\$2,125 80
17,637 " embankment, at 13 cts. "	2,292 81
One culvert of 8 feet chord, 496 perches, at \$4 50,	2,232 00
Grubbing and clearing, "	720 00
One farm bridge,	424 00

\$7,794 61

Section 96,

Contains 81 chains ; the first thirty of which are on the bank of the Cedar, and would require some extra excavation in setting the canal into the bank to secure the outer slope from the wash of the river. It crosses a small brook near the corners of sections 20, 21, 28 and 29. The residue of the section leaves the river and passes over ground gently inclining to the south ; has suitable cutting, is heavily timbered, and terminates in Grand river road ; soil, sandy loam and gravel. Will require

40,191 cubic yards of excavation, at 12 cents per yard,	4,222 92
2,400 " embankment, at 12 cts. "	288 00
One culvert of 4 feet chord, 125 perches, at \$4 50 per perch,	562 50
One road bridge,	700 00
Grubbing and clearing,	840 00

\$7,213 42

Section 97,

Contains 81 chains ; crosses Beech creek near the same point with Grand river road, and some fifty or sixty rods north of the Indian council house, which is on the bank of the river. This section has a good location, mostly through oak openings : soil is sandy loam and gravel. It has

23,996 cubic yards of excavation, at 12 cents per yard,	\$2,879 52
13,690 " embankment, at 13 cts. "	1,779 70
One culvert, 6 feet span, 592 perches, at \$4 50 per perch,	2,664 00
Grubbing and clearing,	723 00

\$8,046 22

Section 98,

Contains 81 chains. The first thirty-six chains passes over rising ground and has from eight to sixteen feet cutting; it then crosses a tamarack swamp which is 21 chains in width, and a small stream runs through it. The residue of the section crosses high land, which will require from sixteen to twenty and a half feet cutting. Much of this deep cutting is marsh; the soil is muck, sandy loam and gravel. I was induced to adopt this route to avoid a circuitous one on the river and the high bluffs, and the broad and deep valleys which are there met with. This section crosses the Indian trail leading from the village, on the river, to Shiawassee. The timber is a variety of the common forest trees. It will require

146,623 cubic yds. of excavation, at 18 cents per yard,	\$26,428 14
4,880 " embankment, at 10 cents "	488 00
Grubbing and clearing,	850 00
One road bridge,	700 00

\$28,466 14

Section 99,

Contains 81 chains, and has from eighteen to twenty feet cutting for the first twelve chains, at which distance it crosses the Grand river road. The residue of the section passes mostly through swamp and marsh, and has suitable cutting. The timber is oak, tamarack and poplar; soil is muck, sandy loam and gravel; and has

65,262 cubic yards of excavation, at 15 cts. per yard,	\$9,789 30
3,570 " embankment, at 12 cts. "	428 40
One road bridge,	700 00
Grubbing and clearing,	552 00

\$11,469 70

Section 100,

Contains 81 chains. The first twelve will require from nine to fourteen feet cutting; the next twenty-four chains has suitable cutting. It then crosses the valley of Purdy's creek, which lies sixteen feet below the level, and will require a culvert of twelve feet span of arch. Here the embankment will be from one to sixteen feet, a distance of nine chains. It then has suitable cutting to the end of the section, which terminates in low ground two feet below the level. Timber is mostly oak; soil, sandy loam and gravel. It will require

8,785 cubic yards of excavation, at 12 cents per yard,	\$1,054 20
54,979 " embankment, at 15 cts. "	8,246 85

Carried forward,

\$

Brought forward,		\$
One culvert of 12 feet chord, 670 perches, at \$4 50,	8,015 00	
Grubbing and clearing,	750 00	
	<hr/>	
	\$18,066 05	

Section 101,

Contains 81 chains; has a broken surface, intersected by ridges and marshes, and terminates on the west side and near the shore of Pine lake. Timber is white and yellow oak; soil is sandy loam and gravel. It will require

17,868 cubic yards of excavation, at 11 cts. per yard,	\$1,967 18
28,431 " embankment, at 13 cts. "	3,696 03
Grubbing and clearing,	720 00
One farm bridge,	424 00

\$6,803 18

Section 102,

Contains 81 chains. This section has a good location and suitable cutting, excepting crossing the valley of the outlet of Pine lake and a narrow ridge near the end of the section, which will require a cut from seven to fifteen feet for seven chains. The surface of the water in the outlet of Pine lake, is four and a half feet below the level, and will require a culvert of six feet span of arch. On this section, it is proposed to drop a lock of six feet. The last half of this section is bordering upon a large marsh on the right, through which discharge the waters of Pine lake; on the left is high rolling land; timber, oak; soil, sandy loam and gravel. It has

33,445 cubic yards of excavation, at 13 cents per yard,	\$4,347 85
12,020 " embankment, at 12 cts. "	1,442 40
One lock of 6 feet lift, at \$1,381 33 per foot lift,	8,268 00
One culvert of 6 feet chord, 230 perches, at \$4 50,	1,035 00
Grubbing and clearing,	702 00
One lock-house,	450 00
One road bridge,	700 00

\$16,965 25

Section 103,

Contains 61 chains; has a good location with suitable cutting, most of the distance over a slightly undulating surface through oak openings, and terminates in the ravine or gap which severs the dividing ridge between the tributaries of the Cedar and those of the Lookingglass. This gap is of sufficient width for construct-

ing a canal with a short cut of sixteen feet on the summit, and on either side a distance of thirty chains, the ridge rises from thirty to seventy feet in height. This ridge extends for miles to the north and south, and no other favorable point was found for passing it. After hours of research along this lofty barrier, I could not but feel on coming to this spot, that nature, in some of her frolicsome moods, had formed the project, after which we were in pursuit. The soil of this section is sandy loam, gravel and muck; it will require

46,138 cub. yards of excavation, at 12 cts per yard,	\$5,536 56
6,703 " embankment, at 18 cts.	871 30
Grubbing and clearing,	537 00
One farm bridge,	424 00
	<hr/>
	\$7,368 95

Section 104,

Contains 61 chains. This section leaves the gap or ravine at the end of three chains and enters open marsh, crossing islands and ridges of hard land covered with timber, and terminates in open marsh called Wet prairie; soil is sandy loam, muck and gravel. On this section it is proposed to drop a lock of 8 feet deep; it will require

34,142 cub. yards of excavation, at 12 cts per yard,	\$4,097 04
11,158 " embankment, at 14 cents,	1,562 12
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
Grubbing and clearing,	246 00
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	\$15,715 16

Section 105,

Contains 81 chains; continues in Wet prairie, and passes two small groves of tamarack; surface is covered with water from four to six inches deep, cutting from four to four and a half feet deep; soil is muck. It will require

36,149 cub. yards of excavation, at 16 cts. per yard,	\$5,783 84
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Section 106,

Contains 61 chains; continues in Wet prairie, water from six to ten inches deep, and on some parts two and a half feet, cutting from three and a half to four feet; soil is muck, depth of muck, is from two to four feet deep. This section terminates near the head waters of Prairie creek. It will require

\$1,476 cubic yards of excavation, at 15 cts per yard,	\$5,221 40
9,605 " embankment, at 20 cts,	1,921 00
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	\$5,142 40

Section 107,

Contains 81 chains ; continues in open marsh near Prairie creek, and terminates in two feet cutting in marsh at the surface of water in the creek. The water on some parts of this section, is from one to two feet deep ; soil is muck, from two to three feet in depth. It will require

12,683 cubic yds. of excavation, at 15 cts. per yd.,	\$1,902 45
24,249 " embankment, at 20 cts.,	4,849 80

\$6,752 25

Section 108,

Contains 81 chains. The first half of this section is in open marsh, the residue passes over a rolling surface bordering on the valley of Prairie creek, timbered with oak, elm and poplar, and has from one half of a foot to seven feet cutting ; soil is sandy loam and gravel. On this section, it is proposed to drop a lock of eight feet deep. It has

20,030 cubic yds. of excavation, at 12 cts. per yd.,	\$2,403 60
35,660 " embankment, at 15 cts.,	5,349 00
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
Grubbing and clearing,	237 00

\$17,799 60

Section 109,

Contains 81 chains ; is located in the valley of Prairie creek at the base of the rising ground on the left, and has suitable cutting, mostly through timbered land ; timber is ash, elm and oak ; soil, sandy loam and gravel. It has

41,581 cubic yds. of excavation, at 13 cts. per yd.,	\$5,405 53
12,098 " embankment, at 13 cts. per yd.,	1,572 74
Grubbing and clearing,	684 00
One farm bridge,	424 00

\$8,086 27

Section 110,

Contains 81 chains ; continues down the valley of Prairie creek on the slope of the rising ground, crossing one ridge, a distance of six chains, which will require from eight to twenty feet cutting. The residue of the section has a good location and suitable cutting, and terminates on the side of a ridge three chains north of an Indian wigwam. The timber is white and yellow oak, elm and walnut ; soil, sandy loam and gravel. It will require

27,862 cub. yds. of excavation, at 12 cts. per yd.	\$3,345 84
13,960 " embankment, at 13 cts.,	1,814 80
One road bridge,	700 00
Grubbing and clearing,	702 00

\$6,565 64

Section 111,

Contains 81 chains; after dropping the level eight feet on the first station, get suitable cutting and a good location through the section, which is confined to the valley of the creek and to the foot of the rising ground on the left; timber, oak and poplar; soil, sandy loam and gravel. It will require

18,585 cub. yds. of excavation, at 12 cts. per yd.,	\$2,230 20
18,161 " embankment, at 12 cts.,	2,179 32
One lock of eight feet lift, at \$1,170 per foot lift,	9,360 00
One lock house,	450 00
Grubbing and clearing,	630 00

\$14,849 52

Section 112,

Contains 81 chains; passes over a broken surface bordering upon Prairie creek, crossing two of its tributaries, which will require culverts to pass their waters, and terminates four chains and seventy-five links east of Indian trail; timber is white oak; soil, sandy loam and gravel. This section will require

5,777 cubic yds. of excavation, at 11 cts. per yd.	\$635 47
112,847 " embankment, at 15 cts.	16,927 05
Two culverts of 8 feet chord each, 1,184 perches, at \$4 50,	5,103 00
Grubbing and clearing,	694 00

\$23,349 52

Section 113,

Contains 81 chains; has an undulating surface, and at the distance of thirty-three chains from the beginning of the section the line crosses a road; it then continues parallel with the road to the end of the section, which terminates twelve chains south of John Cole's house, Timber is white and yellow oak; soil, sandy loam; will require

33,720 cubic yds. of excavation, at 13 cts. per yd.	\$4,383 00
84,126 " embankment, at 14 cts.,	4,777 64
One road bridge,	700 00
Grubbing and clearing,	774 00

\$10,635 64

Section 114,

Contains 81 chains. The first nine chains are in a valley from one to eleven feet below the level. The line then crosses a ridge a distance of twenty-one chains, that will require from three to fifteen feet cutting; the next twelve chains cross the valley of the Lookingglass above the valley of the bridge near D. Scott's, which lies from two to nine feet below the level. It is proposed to cross the river with an aqueduct one hundred feet in length. The residue of the section bears a more westerly course, crossing the road leading from Scott's to Ingersoll's, on Grand river, and has a good location with suitable cutting, and terminates in the meadow on south side of Grand river road opposite of Sylvester Scott's house. On this section it is proposed to drop three locks of eight feet each. The first half of this section is through timbered land, the last half is through improved fields; soil is sandy loam and gravel. It will require

36,772 cubic yds. of excavation, at 12 cts per yd.	\$4,412 64
59,866 " embankment, at 16 cts.	9,536 96
One aqueduct, 1,800 perches, at \$4 50, 100 feet trunk, at \$8 00,	8,900 00
Three locks of 8 feet lift each, at \$1,170 per foot lift,	28,080 00
One lock-house,	450 00
One road bridge,	700 00
Grubbing and clearing,	390 00
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	\$52,559 00

Section 115,

Contains 81 chains. This section crosses the road leading down the valley of the Lookingglass, six chains west of Sylvester Scott's house; it then crosses low ground a distance of nine chains, which lies from one to seven feet below the ground, through which a small brook winds its way. The next fifteen chains passes through cleared fields; it then enters timbered land, in which it continues a distance of eighteen chains, passing from thence into improved lands, and in front of Chauncy Ferguson's house, crossing a small brook and recrossing the river road on a ridge nine chains west of the said house, where it will require for two chains, thirteen feet cutting. The residue of the section has an undulating surface, crossing the valleys of two small brooks, and terminates on the bank of the Lookingglass, nine chains in a south-west direction from Esq. Uley's house. The soil is sandy loam and gravel. It will require four culverts and two road bridges on this section, and has

25,900 cubic yds. of excavation, at 12 cts. per yd,	\$3,108 00
19,830 embankment, at 12 cts.	2,379 60
Four culverts of 3 feet chord each, 440 perches, at \$4 50,	1,980 00
Two road bridges, at \$700 each,	1,400 00
Grubbing and clearing,	102 00
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	\$9,059 60

Section 116,

Contains 81 chains. The first fifteen chains continues on the sloping bank of the Lookingglass; it then crosses a ridge six chains, which will require from twelve to fifteen feet cutting. The next three chains crosses Utley's creek, the valley of which lies from eight to ten feet below the level; then enters timbered land and has twenty-four chains of suitable cutting; it then crosses the valley of Cherry creek, twelve chains in width, and from one to nine and a half feet below the level. On the west bank of the creek borders a ridge of land over which the line passes, and will require, for a distance of nine chains, a cut from nine to sixteen feet, after which suitable cutting is obtained to the end of the section. The line crosses the river road again a few chains south of Mr. Marvin's. The timber is oak, elm, maple, cherry and basswood; soil, is sandy loam and gravel, and will require

42,637 cub. yds. of excavation, at 13 cts. per yd.,	\$5,542 81
29,957 " embankment, at 14 cts. per yd.,	4,179 98
One culvert of 8 feet chord, 567 perches, at \$4 50,	2,551 50
One culvert of 3 feet chord, 110 perches, at \$4 50,	495 00
One road bridge,	700 00
Grubbing and clearing,	636 00
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\$14,105 29

Section 117,

Contains 81 chains. This section passes through timbered land; has a sloping surface to the south, and is broken by ridges and ravines. The timber is similar to the last section; soil, sandy loam, and has

35,051 cub. yds. of excavation, at 12 cts. per yd.,	\$4,206 12
55,443 " embankment, at 14 cts. per yd.,	7,762 02
One culvert of 4 feet chord, 125 perches, at \$4 50,	562 50
Grubbing and clearing,	588 00
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\$13,118 64

Section 118,

Contains 81 chains; is broken by ridges, ravines and bluff banks, bordering upon the Lookingglass. Timber is oak, beech, elm,

poplar and cherry; soil is sandy loam and gravel. It will require

34,428 cub. yds. of excavation, at 11 cts. per yard,	\$3,787 08
\$1,792 " embankment, at 13 cts. per yard,	4,182 96
One culvert of 8 feet chord, 567 perches, at \$4 50,	2,551 50
One road bridge,	700 00
Grubbing and clearing,	606 00
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	\$11,777 54

Section 119,

Contains 81 chains; crosses the valleys of two brooks, nine and twelve chains wide, and from one to fifteen feet below the level, and will require culverts to pass their waters. The residue of the section has mostly suitable cutting, and passes through heavy timbered land. Timber is beach, oak, elm and maple; soil is sandy loam and gravel; surface generally inclining to the south. It will require

19,766 cub. yds. of excavation, at 11 cts. per yd.,	\$2,174 26
53,895 " embankment, at 14 cts. per yd.,	7,517 80
One culvert of 6 feet chord, 326 perches, at \$4 50,	1,467 00
One drain,	62 00
One road bridge,	700 00
Grubbing and clearing,	698 00
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	\$12,618 56

Section 120,

Contains 81 chains; has suitable cutting, with the exception of crossing four narrow valleys, which will require culverts and drains to pass the waters of the brooks, one of which is Hill's creek. Surface inclining to the southwest. Timber and soil as last described. Has

32,789 cub. yds. of excavation, at 11 cts. per yard;	\$3,626 79
20,783 " embankment, at 13 cts. per yard,	2,701 79
Three culverts of 6, 4 and 3 feet chord, 565 perches, at \$4 50,	2,542 50
One drain,	62 00
Grubbing and clearing,	810 00
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	\$9,943 08

Section 121,

Contains 81 chains. The first sixty-three chains has from two to eight feet cutting; the residue passes over low ground, from one to nine feet below the level, through which a small stream runs, and will require a culvert of six feet span of arch. This section

re-crosses the road, which passes down the river, and is mostly heavy timbered land of the common forest trees; soil, sandy loam. It will require

27,866 cub. yds. of excavation, at 12 cts. per yard,	\$3,343 92
85,915 " embankment, at 14 cts. per yard,	5,028 10
One culvert of 6 feet span. 326 perches, at \$4 50,	1,467 00
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
One road bridge,	700 00
Grubbing and clearing,	810 00

\$21,159 02

Section 122,

Contains 81 chains. It has undulating surface, and crosses the valleys of three small brooks; it then passes over elevated ground, which requires an excavation of eight to thirteen feet in depth for twenty-one chains, and terminates on the border of a swamp, in two feet cutting, a little to the northwest of the village of Waterloo. This section passes through a short distance of cleared field on the ridge; the remainder is mostly heavy timbered. Soil is similar to the last section. It will require

84,368 cub. yds. of excavation, at 13 cts. per yard,	\$4,467 84
67,279 " embankment, at 15 cts. per yard,	10,091 85
Three culverts of 4 feet chord each, 383 perches, at \$4 50,	1,723 50
Grubbing and clearing,	840 00

\$17,123 19

Section 123,

Contains 81 chains. The first forty-eight chains has from one to ten feet cutting; it then passes over low ground from one to three feet below, which continues to the end of the section. It passes mostly through heavy timbered land of beech, maple, oak and elm; soil, is sandy loam and gravel. It will require

89,541 cub. yds. of excavation, at 13 cts. per yard,	\$5,140 33
87,385 " embankment, at 15 cts. per yard,	5,607 75
One road bridge,	700 00
Grubbing and clearing,	810 00

\$12,258 08

Section 124,

Contains 81 chains, and is located over a gently rolling surface, which will require from two to fourteen feet cutting for sixty-three chains; it then crosses the valley of a brook which is six

chains in width, and lies from five to fifteen feet below the level ; the next six chains passes over a ridge from three to eight feet cutting, and the section terminates in low ground, descending on the west of the ridge. It passes through timbered land ; timber is beech, maple, oak, elm and walnut ; soil is sandy loam and gravel. - This section crosses the road leading down the river. It will require

57,700 cub. yds. of excavation, at 13 cts. per yard,	\$7,501 00
18,919 " " embankment, at 13 cts. per yard,	2,160 47
One culvert of 8 feet span, 444 perches, at \$4 50,	1,998 00
One road bridge,	700 00
Grubbing and clearing,	810 00

\$13,169 47

Section 125,

Contains 81 chains. The first fifteen chains crosses the valley of a creek from one to thirteen feet below ; it then passes over ground of suitable cutting, a distance of thirty-three chains, and then crosses another valley nine chains in width, and from five to twenty-nine feet below ; then, after crossing a ridge, six chains, that will require a cut from seven to seventeen feet, another valley intervenes twelve chains wide and lies from two to twenty-four feet below the level ; it then passes over rising ground and terminates in ten feet cutting. This section also crosses the river road ; is very broken, and mostly through timbered land. Timber and soil similar to last section. Will require

17,252 cubic yards of excavation, at 11 cts. per yard,	\$1,897 72
147,202 " " embankment, at 15 cts. "	22,080 30
Three culverts of 8 feet span each, 978 perches, at \$4 50,	4,392 00
One road bridge,	700 00
Grubbing and clearing,	810 00

\$29,880 02

Section 126,

Contains 81 chains, and has from seven to twenty feet cutting for the first twenty-four chains ; it then has suitable cutting for fifty-four chains, excepting crossing the valley of Eddy's creek, which is from two to six feet below, a distance of three chains ; it then has from eight to eighteen feet cutting for nine chains ; it then crosses a narrow valley nine feet below and terminates on rising ground in seven feet cutting. The timber is beech, maple, oak and basswood ; soil, sandy loam and gravel. It will require

78,213 cubic yards of excavation, at 13 cts. per yard,	\$10,167 69
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Carried forward

3

Brought forward,	
10,249 cubic yards of embankment, at 12 cts. per yd.	1,229 88
One culvert, 4 feet span, 125 perches, at \$4. 50,	582 50
Grubbing and clearing,	810 00
One farm bridge,	424 00
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	\$18,194 07

Section 127,

Contains 81 chains. After the first six chains, which has from eight to nine feet cutting, it crosses a narrow ravine, the bottom of which is six feet below the level; then over high ground from eight to eighteen feet cutting for a distance of thirty chains. The next twenty-seven chains has suitable cutting, with a gently inclining surface to the southwest; then across low ground for six chains, from one to six feet below the level, and terminates in three feet cutting on the east slope of a brook valley. This section passes through heavy timbered land of beech, maple, oak, elm and basswood; soil is sandy loam. At the end of the section it is proposed to drop a lock of eight feet. It will require 81,829 cubic yards of excavation, at 15 cts. per yard, \$12,244 35
 15,547 " embankment, at 12 cts. " 1,865 64
 One lock of 8 feet lift, at \$1,170 per foot lift, 9,360 00
 Two drains, 124 00
 One lock house, 450 00
 Grubbing and clearing, 810 00

\$24,853 99

Section 128,

Contains 81 chains. Surface broken by ridges and ravines; crosses the river road on the high banks above Munroe's bridge, which is across the Lookingglass. At the end of the first half of the section, it is located over sloping ground with suitable cutting above the river bank, for twelve chains; then crosses a valley from one to seventeen feet below, a distance of eighteen chains, and terminates on sloping ground in five feet cutting, after crossing a narrow ridge of eleven feet on the west side of the brook valley. This section passes mostly through heavy timbered land. Timber, beech, maple, elm and basswood; soil is sandy loam and gravel. On this section it is proposed to drop a lock of eight feet. It will require 28,521 cubic yards of excavation, at 13 cts. per yard, \$3,707 73
 53,303 " embankment, at 14 cts. " 7,462 42
 One lock of 8 feet lift, at \$1,170 per foot lift, 9,360 00
 Three culverts, two of 4 and one of 6 feet chord, 488
 perches at \$4 50, 2,196 00

Carried forward,

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Brought forward,	\$
One road bridge,	700 00
One lock house,	450 00
Grubbing and clearing,	732 00

\$24,608 15

Section 129,

Contains 81 chains. The first half of this section passes through a natural valley between two rising ridges; suitable cutting is obtained, and the valley is of proper width for the canal. After leaving this valley, the line crosses a small brook and a valley of nine chains in width, and is from two to twenty-two feet below the level; then over rising ground to the end of the section, which will require from two to thirteen feet cutting, and terminates in a valley between two hills, two and a half chains east of the section line between sections thirty and thirty-two, in town six north, of range four west. Timber and soil similar to the last section; has

42,471 cubic yards of excavation, at 13 cts. per yard,	\$5,521 23
34,328 embankment, at 14 cts.	4,805 92
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One culvert of 6 feet chord, 326 perches, at \$4 50,	1,467 00
One lock house,	450 00
One farm bridge,	424 00
Grubbing and clearing,	810 00

\$22,838 15

Section 130,

Contains 81 chains; continues in the valley, between the hills, twenty-four chains, and has from nine to fourteen feet cutting. The next fifteen chains are located on ground sloping to the south, with a bold ridge on the right; it then crosses the valley of a large brook eighteen chains in width, and from three to fourteen feet below the level, which will require a culvert of ten feet span of arch to pass its waters. Several routes from the west bank of this valley were examined to avoid a ridge of deep cutting, but none found more feasible than the one estimated, which will require a cut from nine to thirty-two feet, a distance of fifteen chains. The section terminates on the west slope of the ridge in eight feet cutting, three chains from the summit. Timber is oak, beech and maple; soil, sandy loam and gravel. It will require

119,312 cubic yards of excavation, at 17 cts. per yd,	\$20,283 04
49,175 embankment, at 14 cts.	6,884 50
One culvert of 10 feet chord, 592 perches, at \$4 50,	2,664 00
One farm bridge,	424 00
Grubbing and clearing,	810 00

\$31,065 54

Section 131,

Contains 81 chains. After the first three chains, which pass a tamarack swamp, at foot of ridge, ten feet below the level, it crosses a point of ridge three chains, with thirteen feet cutting; it then has embankment to the end of the section, in consequence of changing the location of a lock to avoid deep cutting. Most of this low ground can be avoided by varying the line to the right, but the estimates are based upon the line run. It is through timbered land; timber is beech, maple and oak; soil is sandy loam and gravel, and will require

6,640 cubic yards of excavation, at 10 cts. per yard,	\$364 00
154,151 " embankment, at 16 cts.	24,864 16
One culvert of 6 feet chord, 326 perches, at \$4 50,	1,407 00
One drain,	92 00
Grubbing and clearing,	610 00

\$37,937 16

Section 132,

Contains 81 chains. The first fifteen chains pass at the foot of a ridge on low ground, which will require but one bank; then across a swamp nine chains, from five to eight feet below the level, that will require two banks, when it again reaches the foot of a ridge and continues on low ground at its base for twenty-one chains, where but one bank will be required; then over a broken surface for twelve chains. It then has from nine to eleven feet cutting a distance of eighteen chains, and terminates in a swamp valley in one and a half feet cutting. This section passes through heavy timbered land; timber is beech, maple, oak, elm and basswood; soil is sandy loam. It will require

28,560 cubic yards of excavation, at 13 cts per yard,	\$3,712 80
33,837 " embankment, at 13 cts,	4,398 81
Grubbing and clearing,	810 00

\$8,921 61

Section 133,

Contains 81 chains, and has from seven to seventeen feet cutting for the first twenty-seven chains; the next forty-five chains have from three and a half to seven feet cutting. It then passes over rising ground and terminates in sixteen feet cutting. Timber and soil same as last section. This section crosses a settlement road; has

86,093 cubic yards of excavation, at 14 cts per yard,	\$12,051 02
One road bridge,	700 00
Grubbing and clearing,	610 00

\$13,361 02

Section 134,

Contains 81 chains. This section crosses the dividing ridge between the tributaries of the Lookingglass and the waters of Goose creek, and will require from sixteen to twenty-six feet cutting. This deep cut could be lessened by bringing on a higher level; it is through timbered land; timber, oak, beech, maple, elm, ash and basswood; soil is sandy loam and gravel. Has

304,371 cubic yds of excavation, at 20 cts per yard, \$60,874 20
Grubbing and clearing, 810 00

\$61,684 20

Section 135,

Contains 81 chains; continues on the dividing ridge and has from nine to twenty-two feet cutting for the first sixty chains. It then has from seven to three and a half feet to the end of the section, and terminates in the valley of the south branch of Goose creek. Timber and soil similar to the last section, except on this section there is some swamp. It will require

205,192 cubic yds of excavation, at 17 cts per yard, \$34,882 64

One farm bridge, 424 00

Grubbing and clearing, 810 00

\$36,116 64

Section 136,

Contains 81 chains; continues down the valley of Goose creek, has a good location, and terminates in Van Alstine's clearings. It is proposed to drop four locks of eight feet each; soil is sandy loam; timber as on last section. It will require

26,276 cubic yds of excavation, at 12 cts per yard, \$3,153 12

10,720 " embankment, at 10 cents, 1,072 00

Four locks of 8 feet lift each, at 1,170 per foot lift, 37,440 00

Two lock-houses, at \$450 each, 900 00

Grubbing and clearing, 765 00

\$43,330 12

Section 137,

Contains 81 chains; has a good location in the valley, and on the west side of Goose creek. At the end of the fifteenth chain, crosses a road, and passes through the improvements of Henry Bartow; it terminates at foot of ridge on Goose creek flat. On this section it is proposed to drop two locks of eight feet each; timber is white and yellow oak, cherry, elm and soft maple. The soil is mostly a rich, black, sandy loam. It will require

28,541 cubic yds of excavation, at 12 cents per yard,	\$3,424 92
13,639 " " embankment, at 12 cents,	1,636 68
Two locks of 8 feet lift each, at \$1,170 per foot lift,	18,720 00
Two lock-houses, at \$450,	900 00
One road bridge,	700 00
Grubbing and clearing,	561 00
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	\$25,942 60

Section 138,

Contains 81 chains, down the valley of the creek; has a good location, and terminates in Mr. Lloyd's improvements, three chains west of the road leading from Portland to Lyons. On this section it is proposed to drop four locks of eight feet each; timber is oak, maple and elm; soil is a rich sandy loam and muck. Will require

40,144 cubic yds. of excavation, at 12 cts per yard,	\$4,817 28
5,353 " " embankment, at 12 cents,	642 36
Four locks of 8 feet lift each, at \$1,170 per foot lift,	\$7,440 00
Two lock-houses, at \$450 each,	900 00
One road bridge,	700 00
Grubbing and clearing,	648 00
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	\$45,147 64

Section 139,

Contains 81 chains; passes down the valley of the creek, crossing points of ridges and crossing the creek, continues down the valley to its junction with Grand river. It is then located on the lower table land above flood water, with suitable cutting, and terminates on the south bank of a small brook in oak openings; soil is sandy loam, muck and gravel. On this section it is proposed to drop two locks of 8 feet each. It will require

20,100 cubic yards of excavation, at 12 cts per yard,	\$2,412 00
20,081 " " embankment, at 12 cents,	2,409 72
Two locks of 8 feet each, at \$1,170 per foot lift,	18,720 00
One lock-house,	450 00
Grubbing and clearing,	570 00
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	\$24,555 72

Section 140,

Contains 81 chains. This section continues down on the east bank of Grand river, and has a good location, mostly suitable cutting, passing one point of high bluff bank from twenty to thirty feet above the level for a distance of six chains, that will require the canal to be set into the bank; timber is oak, poplar and red cedar; soil is sandy loam and gravel. It will require

100,482 cubic yds of excavation, at 12 cts per yard,	\$12,051 84
25,582 " " embankment, at 12 cents,	3,069 84
Two culverts of six and eight-foot chord, 828 perches, at \$4 50,	2,728 00
Grubbing and clearing,	648 00
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	\$19,498 68

Section 141,

Contains 81 chains; is located over a gently sloping surface, with suitable cutting above high water mark, and passes through the improvements and near the house of Mr. Bunnell, and terminates on the north bank of a small brook; timber is white and yellow oak; soil is sandy loam. It will require

82,420 cubic yds of excavation, at 12 cts per yard,	\$3,896 40
7,127 " " embankment, at 10 cents,	719 70
One culvert of 8 feet span, 592 perches, at \$4 50,	2,604 00
One farm bridge,	424 00
One drain,	62 00
Grubbing and clearing,	624 00
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	\$8,390 10

Section 142,

Contains 81 chains. The first half of this section is located on the first table land above high water, at the foot of a ridge on ground mostly from one to three feet below the level, where but one bank will be required. The remaining half is on the slope of high bluff bank, which rises from twenty to ninety feet above the level, with a slope from one to two feet base to one foot rise. Here it will require the canal to be set into the bank from thirty-one to fifty-four feet. The river slope will require a brush slope-wall protection. The soil is sandy loam and gravel. On the first half of this section it is proposed to drop a lock of eight feet. It will require

223,031 cub. yds. of excavation, at 10 cts. per yd.	\$22,303 10
18,758 " " embankment, at 12 cts.	2,250 96
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
Grubbing and clearing,	435 00
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	\$34,799 06

Section 143,

Contains 81 chains. After the first twelve chains, which are on the river flats, where but one bank will be required, it crosses a ridge of nine chains, which will require from six to sixteen feet

cutting; it is then located at the foot of the ridge on the flats, a distance of twenty-four chains. The flats are from twelve to fourteen feet below the level, and only one bank will be necessary. The next fourteen chains are on the brow of the bank above the river, which rises from fourteen to twenty-two feet above the level, and will require the canal to be set into the bank. The residue of the section bears to the right, leaving the river bank, has suitable cutting, and terminates in an improved field south of the village of Lyons. On this section it is proposed to drop a lock of six feet. The soil is sandy loam and gravel; the line diverges from this section that intersects the river at Lyons. It will require

78,490 cub. yds. of excavation, at 13 cts. per yd.	\$9,553 30
65,807 " embankment, at 12 cts.	7,896 84
One lock of 6 feet lift, at \$1,361 38 per foot lift,	8,268 00
One lock-house,	450 00
One farm bridge,	424 00
Grubbing and clearing,	171 00
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	\$26,753 54

Section 144,

Contains 81 chains. This section crosses the flats south of Lyon's hotel, and will require an embankment from one to three and one half feet for a distance of twenty-one chains, at which distance it reaches Grand river near the bridge. The crossing of the river would require an aqueduct four hundred feet in length; the bed of the river lies some fifteen feet below the level. The residue of the section passes through the lower part of the village of Lyons, on the west side of the river, and continues in suitable cutting at the foot of the ridge on which the village is situated, and terminates in timbered land. Timber is beech, maple, oak, walnut, basswood, cedar and tamarack. On this section it is proposed to drop a lock of eight feet, and it intersects with the northern railroad route. It will require

13,570 cubic yds of excavation, at 11 cents per yard,	\$1,492 70
89,711 " embankment, at 18 cents,	5,162 48
One aqueduct of 2,520 perches, at \$4 50, and 400 feet	
of trunk, at \$9,	14,940 00
One lock of 8 feet lift, at \$1,170 per foot lift,	9,000 00
One lock house,	450 00
One road bridge,	700 00
One farm bridge,	424 00
Grubbing and clearing,	331 00
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	\$32,660 18

Section 145,

Contains 81 chains ; is located mostly through timbered land, at the base of a ridge bordering on the south side of the valley of Grand river, crosses Libhart's creek near the road leading down the valley of the river to Ionia, and through improvements near his barn ; timber is oak, elm and basswood ; soil, sandy loam and gravel ; will require

21,326 cubic yds of excavation, at 10 cents per yard,	\$2,132 60
8,932 " embankment, at 11 cents,	982 52
Grubbing and clearing,	408 00

\$3,523 12

Section 146,

Contains 81 chains ; continues over gradually sloping ground, near the foot of the ridge inclining to the north, with suitable cutting, for the first 56 chains ; it then passes over a pine ridge with eight feet of cutting, to the end of the section. The timber is beech, maple, ash, elm and pine. This section crosses two small spring brooks which will be taken into the canal. It will require

48,642 cubic yds of excavation at 13 cents per yard,	\$6,323 46
3,693 " embankment, at 12 cents,	443 16
One farm bridge,	424 00
Grubbing and clearing,	648 00

\$7,838 62

Section 147,

Contains 81 chains ; has a good location with suitable cutting on the first table land above high water. The surface is gently inclining to the river, and covered with a heavy growth of beech, maple, elm, ash and basswood timber. The soil is a rich vegetable mould, sandy loam and gravel. It will require

25,198 cub. yds. of excavation, at 11 cts. per yard,	\$2,771 78
6,393 " embankment, at 12 cts. per yard,	767 16
One culvert of 3 feet chord, 110 perches, at \$4 50,	495 00
Grubbing and clearing,	648 00

\$4,681 94

Section 148,

Contains 81 chains, and passes over ground similar to the last section, and crosses a brook where an aqueduct twenty feet in length will be required. Previous to crossing the brook, it is proposed to drop a lock of eight feet. Timber and soil are the same as last section, with the addition of some oak. The section terminates in Ionia road at the foot of a high bluff. It will require

30,433 cub. yds. of excavation, at 11 cts. per yard,	\$3,347 63
11,849 " " embankment, at 12 cts. per yard,	1,421 88
One aqueduct, 264 perches, at \$4 25, and 20 feet of trunk, at \$7 50,	1,272 00
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
One road bridge,	700 00
Grubbing and clearing,	648 00
	<hr/>
	\$17,199 51

Section 149,

Contains 60 chains; continues on the bottom land at the foot of the high bluffs for the first forty chains; then bearing to the right leaving the high bluffs and taking a ridge bordering upon the outlet of a marsh, forming a bayou or basin at its junction with Grand river. At this point it is proposed to unite with the river by dropping a lock of ten feet. This would be a very safe point to unite, and can be easily protected from the high floods. The proposed point of intersection is twenty-five chains above the ferry or crossing place, to the village of Ionia. The timber is beech, maple, oak, elm, ash, butternut and basswood. Soil is sandy loam. It will require

23,684 cub. yds. of excavation, at 12 cts. per yard,	\$2,842 08
1,187 " " embankment, at 10 cts. per yard,	118 70
One lock of 10 feet lift, at \$1,170 per foot lift,	11,700 00
One lock-house,	450 00
One road bridge,	700 00
Grubbing and clearing, ,	438 00
	<hr/>
	\$16,248 78

Aggregate cost of Cedar and Grand River Canal Route, with the average per mile.

Cost of construction,	\$1,247,549 01
Contingencies,	54,000 00
	<hr/>
Total cost,	\$1,301,549 01

Average per mile, \$16 750 95

This aggregate amount, I think, can be reduced by changing the location of some of the locks, and varying some part of the line from the present estimated route; but deeming it practicable, I thought it not important, in this examination, to spend time for a more feasible route. And was the route estimated, to be the one adopted, the estimated cost of the work, (which is liberal and

abundantly sufficient, with economy in its expenditure, to complete the canal,) is not a sum that should even excite the fears or forbodings of the most sceptical in relation to the policy of internal improvements, as an objection to the state's assuming the responsibility of the construction of this work. It is not a work of minor importance to the interest of Michigan, nor to the interests and future prosperity of the richest, (by nature,) and most important district in the state. It is a work of which there is no doubt, in my opinion, that would pay not only the interest of the money on the capital invested, but a revenue into the treasury of the state. Its farming lands are rich beyond description; its mineral wealth untold; its climate serene and delightful, in a latitude where health might be considered the prevailing epidemic; and situated in the centre of the state, connected with a machine driving power in its water courses of immense wealth, and, as situated, perhaps unparalleled in extent—connecting, (it well might be said, as the time is not far distant when it will be truly applicable,) with the Mediterranean of the west by the broad and majestic Nile of Michigan. And when the contemplated improvements from this placid inland sea shall reach the rich mining regions of the far west, bordering upon the great valley of the fathers of rivers, and its waters connected by the Illinois canal with the cotton and sugar growing states of the far-stretching south, with a line of communication from its southeastern border, extending across the state of Indiana to the great and rising city of the valley; and our own no less splendid than wisely adopted system of internal improvement shall be completed, intersecting her points of deposit by four independent lines of communication across our state from her eastern navigable waters, and the connection, (by St. Marie's canal,) with that mighty stretch of outspreading waters to the far-clad regions of the north—its shores may be considered the deposite of the rich products of the vast extended regions of the fast growing west, as well as its bosom the radiating point for the untold millions of commerce which will at no distant period float upon her mirror surface and crowd her busy ports.

All of which is submitted with the fullest confidence in the judicious policy of our system of internal improvement, and with much respect.

JARVIS HURD, *Civil Engineer.*

(No. 1.)

Table of Altitude above Lake St. Clair.

LIVINGSTON COUNTY.

Towns & ranges.	Names of places.	Villages.	Lake.	Rivers.	Creeks.	Bluffs.	Ridges.	Swamps.	Marshes.
T. 3 N. of R. 4. E.	Oak ridge, Tamarack swamp						335	330	
T. 3 N. of R. 3 E.	Ridge, Coal creek, Creek,				311 308		335		
T. 3 N. of R. 3 E.	Big marsh,* Cedar river, Camp creek, Stony creek,			298	311 295 275				289
T. 4 N. of R. 1 E.	Kent creek, Dinner creek, Eaton creek, Cedar river, Maple creek, Beech creek,			965	270 267 269 264				

INGHAM COUNTY.

T. 4 N. of R. 1 E.	Beech, Bluff,† Grand river, Pardee's creek, Pine lake, Creek ‡ Ridge, Bluff,§			237	269 263 264	309	290		
			270			307			

CLINTON COUNTY.

T. 5 N. of R. 2 W.	Prairie creek, Ridge, Creek, McKenzie's creek Lookinglass riv'r† De Witt,	240		309	263 242 233		272		
	Creek, Ferguson's creek, Utley's creek, Lookinglass river, Maple creek, Cherry creek, Bluff,** Poplar creek,			307	218 218 218 210 211 214	239			

*Summit of Marsh.

†On the Cedar river.

‡Outlet of Pine lake.

||Dividing ridge between Cedar river and Prairie creek.

§On Grand river.

†At the village of Dewitt.

**On the Lookinglass river opposite bluff.

CLINTON COUNTY—(Continued.)

Towns & Ranges.	Names of places.	Villages.	Lakes.	Rivers.	Creeks.	Bluffs.	Ridges.	Swamps.	Marshes.
T. 5 N. of R. 3 W.	Hill's creek,				250				
	Creek,				222				
	Clear creek,				216				
	Creek of the val'y,				214				
	Creek,				212				
T. 5 N. of R. 4 W.	Grove creek,				207				
	"				210				
	"				209				
	"				202				
	Creek,				211				
	Eddy's creek,				189				

IONIA COUNTY.

T. 5 N. of R. 5 W.	Lookinglass,			136					
	Mill race,*				135				
	Bluff,†					183			
T. 6 N. of R. 5 W.	Portland,	136							
	Grand river,			113					
	Ridge,‡						216		
T. 7 N. of R. 5 W.	Goose creek,				140				
	"				128				
	Grand river,			84					
T. 7 N. of R. 6 W.	Bluff,					170			
	Lyons,	94							
	Grand river,			72					
T. 7 N. of R. 6 W.	Lebharts creek,				72				
	Creek,				78				
	"				65				
	Grand river,§			64					

*At the village of Portland.

†On the Lookinglass river.

‡Summit between Lookinglass river and Goose creek.

||On Grand river.

§At the termination of the canal route.

tEra

es Dams				Total
Tow Path	Feet in length	Price per foot	Amount	Total
	2	Widening channel For turning ch'l riv.	\$1228 20	
	1	Lock house	900	\$41882 82
	2	Lock house	450	16384 22
	2	Lock house	900	27982 40
	2	Lock house	900	31942 19
			\$5250	\$118191 63
	1	Lock house	\$450	\$18063 79
	1	Lock house	450	17234 58
				10941 30
				8034 49
				6794 38
	1	Lock house	450	33471 27
				18544 83
				91194 34
	1	Lock house	450	39881 24
			1800	\$243660 22

CEDAR BRANCH ROUTE,

INTERSECTING GRAND RIVER AT THE MOUTH OF ALCOTT'S CREEK.

Section 100,

Contains 81 chains. This section crosses a ridge which will require from nine to fourteen feet cutting a distance of twelve chains; the residue of the section is mostly suitable cutting, bordering on a swamp and a marsh, and has an undulating surface. The timber is white oak and poplar; soil, sandy loam. On this section it is proposed to drop a lock of 8 feet; and on this section the Lookinglass route diverges. It has

46,905 cub. yds. of excavation, at 13 cts. per yard,	\$6,097 65
10,679 " embankment, at 13 cts.,	1,388 14
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
Grubbing and clearing,	768 00

\$18,063 79

Section 101,

Contains 81 chains; has a rolling surface, bordering upon a swamp, and terminates at the Indian trail leading from Oconee village on the Cedar to the mouth of Prairie creek, at D. Scott's on the Lookinglass river, in Clinton county. Timber, oak, beech, maple, elm, poplar, cherry and basswood; soil, mostly sandy loam. On this section it is proposed to drop a lock of 9 feet. It will require

24,505 cub. yds. of excavation, at 12 cts. per yard,	\$2,940 60
25,879 " embankment, at 12 cts. per yard,	3,105 48
One lock 8 feet lift, at \$1,170 per foot lift,	9,360 00
One lock-house,	450 00
One culvert of 4 feet span, 125 perches, at \$4 50,	562 50
Grubbing and clearing,	816 00

\$17,234 58

Section 102,

Contains 81 chains. The first six chains cross a ridge, which will require from fourteen to twenty-three feet cutting; it then crosses the valley of Purdy's creek, which lies thirteen feet below the level, and will require a culvert of 10 feet span of arch; the residue of the section has from two and a half to six feet cutting. Timber and soil are the same as the last section. It will require

48,965 cub. yds. of excavation, at 12 cts. per yard,	\$5,875 80
8,975 " embankment, at 10 cts.,	897 50
One culvert of 10 feet chord, 592 perches, at \$4 50 per perch,	2,664 00
One road bridge,	700 00
Grubbing and clearing,	804 00
	<hr/>
	\$10,941 30

Section 103,

Contains 81 chains. It has from two and a half to six feet cutting for the first twenty-four chains; then passes over low ground a distance of thirty-nine chains, crossing Leaf creek, which lies four feet below the level; the residue crosses a ridge which has from eight to thirteen feet cutting. Timber and soil as last described. It has

45,353 cub. yds. of excavation, at 13 cts. per yard,	\$5,895 89
7,361 " embankment, at 10 cts.,	736 10
One culvert of 4 feet chord, 125 perches, at \$4 50,	562 50
Grubbing and clearing,	840 00
	<hr/>
	\$8,034 49

Section 104,

Contains 81 chains; has suitable cutting for the first thirty-six chains; it then crosses a ridge of nine chains in distance, which will require a cut from nine to twelve feet. The residue of the section, though some broken, has a good location at the foot of a ridge, and rising ground on the right. Near the termination of this section a line was run down and intersected with the Cedar river at the north bend; but the stream below is so very crooked and the banks being subject to inundation, would render this intersection inadvisable. The timber is beech, maple, white and yellow oak, ash, elm and basswood; soil, sandy loam and gravel. Has

40,744 cubic yards of excavation, at 12 cts. per yd.	\$4,889 28
10,751 " embankment, at 10 cts. per yd.	1,075 10
One drain,	62 00
Grubbing and clearing,	768 00
	<hr/>
	\$6,794 38

Section 105,

Contains 81 chains; continues near the foot of a ridge, fifteen chains, with suitable cutting; at this point it crosses Grand river road, and it is proposed here to lock down eight feet into an extensive swamp, extending north and south, which lies from four

to six feet below the level. The line crosses a small stream in this swamp which will require a culvert of eight feet span of arch. Timber is oak, elm, beech, whitewood, tamarack and hickory; soil, sandy loam, clay loam and muck. It will require

6,157 cubic yards of excavation, at 12 cts per yd.	\$738 84
115,179 " embankment, at 17 cts. "	19,580 43
One lock of 8 feet lift, at \$1,170 per foot lift,	9,360 00
One culvert of 8 feet span, 592 perches, at \$4 50 per perch,	2,664 00
One lock-house,	450 00
Grubbing and clearing,	678 00

\$33,471 27

Section 106,

Contains 81 chains, and continues in the swamp a distance of forty chains, which lies from one and a half to three feet below the level; crosses a small stream which will require a culvert of four feet span of arch; it then enters upon the ridge dividing the swamp from Grand river, and terminates in thirteen feet cutting. Timber as on last section; soil is muck, sandy loam and gravel; and will require

51,055 cubic yards of excavation, at 15 cents per yard,	\$7,658 25
59 838 " embankment, at 16 cts. "	9,574 08
One culvert of 4 feet chord, 125 perches, at \$4 50,	562 50
Grubbing and clearing,	750 00

\$18,544 83

Section 107,

Contains 81 chains; passes over the summit of a ridge which rises forty feet, and terminates on the western slope of the ridge in seven feet cutting. This deep cut can be avoided by a more southerly route and intersecting Grand river near the junction of the Cedar. It will increase distance, but I should recommend it, for, should this route be adopted, the embankment on the last two sections might be obviated by dropping another lock. The timber is beech, maple, oak, elm and basswood; soil is sandy loam and gravel. It will require

393,158 cubic yards of excavation, at 23 cts per yd.	\$90,426 34
Grubbing and clearing,	768 00

\$91,194 34

Section 108,

Contains 35 chains, and terminates on Grand river at the mouth of a small creek on section nine, town four north, of range two

west. This would be a favorable point of intersecting with the river, should this route be adopted. On this section it would require three locks. The timber and soil are similar to the last section. It would require

20,036 cubic yards of excavation, at 14 cts. per yd.	\$2,805 04
7,202 " embankment, at 10 cts.	720 20
Three locks of 8, 10 and 12 feet lift, at \$1,170 per foot lift,	35,100 00
One lock-house,	450 00
Grubbing and clearing,	306 00
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	\$39,381 24

PORTLAND BRANCH ROUTE,

TO THE MOUTH OF THE LOOKINGGLASS RIVER.

Section 131,

Commences at section 130, on the main line, which is the diverging point to the mouth of the Lookingglass, of which the following are the estimates :

This section contains 81 chains, and takes the main route for the first fifteen chains, on which distance it is proposed to drop a lock after crossing the point of a ridge ; it then passes over low ground a distance of nine chains, from one and a half to four feet below, at which point another lock is proposed ; then, after crossing a narrow ridge from three to six feet cutting, it crosses low ground a distance of twenty-one chains, from one to eleven feet below, through which a brook winds its way, and would require a culvert of six feet span of arch. After crossing the creek and reaching the rising ground on the west bank, another lock is proposed ; the next nine chains pass over rising ground from one to two feet cutting ; then through a swamp fifteen chains, which lies from one to two feet below, where but one bank will be required ; then across a narrow ridge of seven feet cutting, and terminates on sloping ground inclining to the southwest. This section passes mostly through heavy timbered land. Timber is beech, maple, oak, elm and basswood ; soil is sandy loam, gravel and muck. It will require

13,978 cub. yds. of excavation, at 13 cts. per yard,	\$1,817 14
65,562 " embankment, at 14 cts. per yard,	9,178 68
Three locks of 8 feet lift each, at \$1,170 per foot lift,	28,080 00
One culvert, 6 feet span, 230 perches, at \$4 50,	1,035 00
One drain,	62 00

Carried forward,

\$

Brought forward,	\$	
Two lock-houses at \$450 each,		900 00
Grubbing and clearing,		810 00
		<hr/>
		\$41,882 82

Section 132,

Contains 81 chains. After crossing a ridge which will require a cut from seven to fifteen feet a distance of twelve chains, it has a good location, with suitable cutting, through timbered land, over a surface gradually inclining to the south. The timber and soil the same as on the last section. On this section it is proposed to drop a lock of 8 feet. It will require

48,066 cub. yds. of excavation, at 11 cts. per yard,	\$4,737 26
9,908 " embankment, at 12 cts.,	1,188 96
One lock of eight feet lift, at \$1,170 per foot lift,	9,860 00
One lock-house,	450 00
Grubbing and clearing,	648 00
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	\$16,884 22

Section 133,

Contains 81 chains. This section has mostly a side-lying surface near the brow of the bank bordering on the low flats of the Lookingglass, with bold ridges and high bluffs rising upon the right, and terminates against the first high bluff bank, at which point I would propose to build a bank in the river, and cut a channel across a narrow neck of low ground on the opposite side for the river. On this section it is proposed to drop two locks of eight feet each. The timber is principally white and yellow oak; soil, is sandy loam and gravel. It will require

20,870 cub. yds. of excavation, at 12 cts. per yard,	\$2,504 40
30,100 " embankment, at 13 cts.,	3,913 00
Two locks of 8 feet lift each, at \$1,170 per foot lift,	18,720 00
One culvert of 3 feet chord, 110 perches, at \$4 50,	495 00
Two lock-houses,	900 00
For turning channel of the river,	850 00
Grubbing and clearing,	600 00
	<hr/>
	\$27,982 40

Section 134,

Contains 75 chains. The bluff banks continue along the first nine chains, and rise from twenty to thirty feet above the level; the section then passes over a gradually sloping surface a distance of fifteen chains, where it meets again with the high bluff banks, which rise from thirty to fifty feet. I would here propose

to set the canal partly into the bluff, building one bank in the river, and widening the present channel by ditching on the opposite side. There would be but little danger of banks washing away, from their being in a mill pond where the water has but little current. The bottom of the river is from three to six feet below the level which the slope of the towing path will occupy, along the bluff, a distance of twenty-one chains. After leaving the high bluffs, the line crosses a narrow ridge on the river bank, leaving it to the right, and intersects Mr. Newman's mill race a few rods north of the dam and bridge across the Lookingglass, near its junction with Grand river at the village of Portland. After crossing the mill race, the line makes a handsome curve across the flats between the race and Grand river, and intersects the latter, near the junction of the mill race, where a good landing, deep water, and a fine, safe, natural harbor can be had. In the last high bluff on the Lookingglass, were indications of a ledge, the pudding stone making its appearance on the face of the bluff. The soil, on this section, is mostly sandy loam and gravel. On this section it is proposed to drop two locks of 10 feet each. It will require

23,160 cub. yds. of excavation, at 11 cts. per yard,	\$2,547 60
21,743 " embankment, at 13 cts.,	2,828 59
Two locks of 10 feet lift each, at \$1,170 per foot lift,	23,400 00
Two lock-houses, at \$450 each,	900 00
One road bridge,	700 00
Grubbing and clearing,	318 00
For widening channel of the river,	1,250 00

\$31,942 19

Distance in 81 chains sections	Excavation				Estimate
	Grubbing and clearing	Cubic yards of earth	Price	Amount	Cubic yards of earth
73	390	22942	12	\$2753 04	43136
74	225	30623	12	3674 76	160
75	540	40128	14	5617 92	
76	387	27231	13	3540 03	12071
77	420	20761	11	2283 71	4652
78	432	27841	11	3062 51	
79	255	35939	12	4312 68	5368
80	414	29789	11	3276 79	10830
81	458	17691	12	2122 92	27682
82	570	30783	12	3693 96	28563
83	498	22242	12	2669 04	50900
84	654	36807	12	4416 84	5295
85	711	29802	12	3576 24	1005
86	936	38617	13	5020 21	1454
87	912	110678	14	15494 92	5010
88	681	70242	13	9131 46	
89	723	38943	13	5062 59	51446
90	889	47505	13	6175 65	8826
	10095	678564		\$85885 27	256298

[Sig. 108—No. 50.]

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CH

		Excavation			ulve
Distance in 81 chains sections	Grubbing and clearing	Cubic yards of earth	Price	Amount	Price per perch
09	684	41581	13	\$5405 50	
10	702	27882	12	3345 80	
11	630	18585	12	2230 20	
12	684	5777	11	635 40	
13	774	33720	13	4383 60	
14	390	36772	12	4412 64 50	
15	192	25900	12	3108 00	
16	636	42637	13	5542 80	
17	588	35051	12	4206 10	
18	606	34428	11	3787 00	
19	698	19766	11	2174 20	
20	810	84789	11	3826 70	
21	810	27866	12	3343 90	
22	840	34368	13	4467 80	
23	810	30541	13	5140 30	
24	810	57700	13	7501 00	
25	810	17252	11	1897 70	
26	810	76213	13	10167 60	
	12284	611801		\$75576 80	

[Sig. 110—No. 50.]

		Excavation			E
Distance in 51 chains measured	Grubbing and clearing	Cubic yards of earth	Price	Amount	Cubic yards of earth
127	810	81629	15	\$12244 35	15547
128	732	28521	13	3707 73	53303
129	810	42471	13	5521 23	34328
130	810	119312	17	20283 04	49175
131	810	6640	10	664 00	154151
132	810	28560	13	3712 80	33837
133	810	86083	14	12051 62	
134	810	304371	20	60874 20	
135	810	205192	17	34882 64	
136	765	26276	12	3153 12	10720
137	561	28541	12	3424 92	13639
138	648	40144	12	4817 28	5353
139	570	20100	12	2412 00	20031
140	648	100432	12	12051 84	25582
141	624	32470	12	3896 40	7197
142	435	223031	10	22303 10	18758
143	171	73490	13	9553 70	65807
144	331	13570	11	1492 70	39711
	11965	1460833		\$217046 67	547139

[Sig. 111—No. 50.]

		Excavation			I
	Grubbing and clearing	Cubic yards of earth	Price	Amount	Cubic yards of earth
45	408	21326	10	\$2132 60	8932
46	648	48642	13	6323 46	3693
47	648	25198	11	2771 78	6393
48	648	30433	11	3347 63	11849
49	438	23684	12	2842 08	1187
	2790	149283		\$17417 55	32054

[Sig. 112—No. 50.]

(No. 51.)

**Report of the Committee appointed in pursuance of
an act entitled "An act to authorize a settlement
with the Michigan State Bank."**

Hon. K. S. BINGHAM,

Speaker of the House of Representatives :

DEAR SIR—The undersigned, in pursuance of an act entitled "An act to authorize a settlement with the Michigan state bank," approved on the 10th instant, beg leave to report that they have waited upon the officers of that bank, and have received from them a statement of their account with the state, which agrees with that of the State Treasurer, and the balance due the several funds this day, is as follows, viz :

Funds for buildings,	\$449 75	
Internal improvement fund,	364,322 17	
Henry Howard, Treasurer,	6,132 43	
Primary school fund,	4,730 88	
Sinking fund,	75,816 27	
Marshall and Allegan railroad company,	60,000 00	
Contingent fund,	1,197 02	
Bank fund,	1,891 73	
	<hr/>	\$514,540 25

To which the bank claim that they have
in part equitable offsets, as follows :

Advances to James B. Hunt, commissioner,	\$28,003 71
D. C. McKinstry,	1,912 80
John D. Pierce, superintendent,	9,187 73
Porter & Gibson, commissioners state prison,	23,358 27
H. Alden, acting commissioner,	912 30
Levi S. Humphrey, commissioner,	2,115 35
Safety fund notes on hand,	28,753 62
Pay advanced by fiscal agent to mem-	

Carried forward,

\$

\$

Brought forward,	\$	\$
bers of the present legislature, about	9,500	00
Money advanced to J. S. Bagg, State Printer, authorized by law, and to come out of his appropriation,	11,500	00
They also propose a transfer of a part of the amount standing to the credit of Marshall and Allegan railroad company, already paid to the Calhoun co. bank, by their giving security to the state,	50,000	00
	<hr/>	\$165,243 88

Leaving a balance due, \$349,296 37

The undersigned found that this mode of settlement involved questions which were not legitimately under the act, in their opinion, within the scope of their powers and duties, as the act contemplates a settlement with no one but the bank, and the allowance of the several items to the bank would virtually be an allowance of them by the state to the several individuals against whom they stand charged on the books of the bank.

The bank alleges that they have a just and equitable claim against the state for the foregoing enumerated items of advances made to different state officers.

The undersigned, upon inquiry of the officers of the bank and Mr. Hunt, ascertained that the advance to him as commissioner, occurred in the following manner. Under a law, the former Board of Commissioners of Internal Improvement allowed the Acting Commissioners to have in their hands any amount of money not exceeding \$40,000 at any one time, to be expended upon the public works, and whenever the board audited their accounts, they had the amount passed to the credit of such Acting Commissioner upon the books of the bank in general account, and he was permitted to draw until that was drawn out, and if necessary to carry on the public works, the bank did not refuse to pay the drafts of such Commissioner after the fund so credited had been exhausted.

The officers of the bank say, that upon this subject they frequently applied to the board for instructions what to do, and invariably received for answer, to continue to pay their checks, and it would be all right whenever the board met, which was, at that time, seldom.

On the 6th April 1832, Mr. Hunt had overdrawn his account forty-nine thousand dollars, upon which day the board audited his account and gave him a warrant for thirty thousand dollars, and on the 7th April, one for twenty thousand dollars more; he still continuing to draw as usual.

In February, 1838, Mr. Howard, the Treasurer of the state, in accordance with a resolution of the legislature, gave the board notice, that he had placed in the bank, in special deposit, to the credit of the internal improvement fund, some safety fund money amounting to \$7,224 84 dollars. The board, by resolution, authorized it to be loaned, and gave Mr. Hunt a warrant for five thousand of it, charging his account upon the books of the board with that amount, which he loaned to G. W. Williams, for the Farmers' and Mechanics' Bank of Pontiac. At a subsequent time, Mr. Whittemore of Pontiac, for the Bank of Oakland, borrowed five hundred dollars, and Mr. Williams two hundred and thirty-four dollars. Afterwards, Williams again took five thousand dollars, and again one thousand. Mr. Whittemore again applied to Mr. Hunt for more, and he gave him a check for five thousand, but he could select only twenty-five hundred that would answer his purpose. On the 21st March, F. H. Steevens borrowed of Mr. Hunt two thousand dollars of Clinton Canal money, and gave his note, payable in one year from its date in good funds, with interest. G. W. Williams took one thousand dollars on the same day of the same kind of paper, upon like terms. So that, upon recapitulation, it will be found that Mr. Hunt loaned to G. W. Williams, for the Farmers' and Mechanics' Bank of Pontiac,

	\$11,234
Mr. Whittemore, for the Bank of Oakland,	3,000
F. H. Steevens, in Clinton Canal money,	2,000
G. W. Williams, on his private account,	1,000

Whole amount of money loaned, \$17,234
for five thousand dollars of which he had the order and warrant of the board, and the balance of twelve thousand two hundred and thirty-four dollars was loaned without such warrant, and was not carried into his general account till some time during the summer. Mr. Hunt says, he was told by Mr. Howard, treasurer of state, that he had received this last amount, or more, under a resolution of the legislature, and that it was deposited in the bank as special, and could only be made available by loaning, payable in current funds. In addition to the money loaned, Mr. Hunt says he has vouchers which are allowed by the board, but which the Auditor General refuses to audit, for \$8,757 85

And also has a claim against G. D. Williams, which however, he acknowledges himself bound to pay, for

	800 00
	<hr/> 9,557 85
And the amount of money loaned as foregoing,	17,234 00
	<hr/>
Carried forward,	\$26,791 85

Brought forward,	\$26,791 85
Which deducted from the amount advanced him by the Michigan State Bank,	28,003 71
Leaves a balance against him of	\$1,211 86

He further says he has a balance due him on the books of the internal improvement board, of over two thousand dollars, and deducting from the items charged to his account the first amount of five thousand dollars, which he had the order and warrant of the board to loan, it will leave a balance due him of over seven thousand dollars, actually due to him from the board.

The undersigned are unwilling to take upon themselves the responsibility of determining whether all, any, or how much of this shall be allowed, conceiving that they have no such authority under the act, as before stated. If the money so advanced to him was done in good faith on the part of the bank, and with assurances from the board of internal improvement, that all should be made right, and had been expended for the works of the state, then there could be no doubt of the justice and equity of the claim against the state. And again, if those safety fund notes, which were loaned, were placed in the bank as special deposits, and it was deemed a matter of prudence and caution to loan them in order to prevent their perishing in the treasury of the state, then the bank are in equity entitled to have the claim allowed, although perhaps, strictly speaking, they have no legal right to demand it. The amount of Mr. Hunt's unaudited vouchers, if correct, and fully and fairly expended, should probably be allowed, although the undersigned do not consider it to be their province to inquire into that expenditure. They only take the order of the board, in Mr. Hunt's favor, as their guide.

The item to D. C. McKinstry is a balance of a large advance made to him, and which has been reduced from about twenty thousand dollars to the present amount. It was, a great portion of it, Mr. Norton says, paid by him at one time, while in Albany, to save the state iron from seizure by the transportation company, for charges. The undersigned think, if allowed, it should be deducted from the estimates of McKinstry upon his contract upon the central railroad.

The money advanced to John D. Pierce, superintendent of public instruction, is not, in the opinion of the undersigned, a matter of dispute. Mr. Pierce should settle and adjust his own account with the bank, and pay them this advance if right; although the bank, in their anxiety to reduce its debt to the state, as much as possible, would be glad to avail itself of this amount.

The advance to Porter & Gibson, Commissioners of state prison, was made, as the bank says, in good faith, and with the advice of

some of the state officers, when the works at the prison would have stopped but for such advance. If the funds so advanced, have been judiciously expended, the undersigned see no objection to the allowance of this item, to be deducted from the first appropriation which may be made for the progress of this work.

The board of internal improvement last summer, supposing that claims for damages upon the central railroad could be more advantageously settled by the acting Commissioner, if he was allowed to have money on hand to do it, whenever he saw fit, issued an order to H. Alden, acting Commissioner at that time, authorizing him to negotiate with the Michigan state bank for ten thousand dollars. The order was presented to the Auditor General, who, considering such a procedure not sanctioned by law, refused to draw a warrant upon the Treasurer for it. Nevertheless, Mr. Alden made the arrangement with the bank, and expended nine hundred and twelve dollars and thirty cents, which should probably, in equity be allowed, although the legality of the act of the board may be questioned. The amount to Levi S. Humphrey, is for the survey of the railroad from Lockport to Niles, which the legislature have had some action upon at this session, directing it to be charged to the appropriations already made for the southern railroad, if the undersigned rightly recollect, which, when done, will get this matter out of the way.

The last item, viz : safety fund notes on hand, the undersigned can only present the facts as alleged by the bank, and the legislature must be the judges of its equity : Mr. Steevens, the president of the bank, says that ten or twelve thousand dollars of the money was placed in the vault of the bank by the treasurer of Wayne county, in a trunk, and remained there for weeks without being touched. It was finally passed to the credit of the Treasurer of the state as a special deposit, being the only manner in which the bank would credit it. About two thousand dollars was received of Mr. Pierce, Superintendent of public instruction, and the balance from the Treasurer of the state and the railroad. The bank and Treasurer consider that these moneys were received by the Treasurer, and by him deposited, under an act of the legislature, requiring him to receive all safety fund notes paid into the treasury on or before a certain day therein named, if the collectors who paid them, would make oath that they were the identical moneys received for taxes by them.

They were all entered as special deposits, and were laid away in the vault with the labels and wrappers about them, and marked "H. Howard, Treasurer," or "Railroad," as the case might be, which original wrappers and labels were around the notes when the committee of investigation from the House of Representatives during this session, went to examine the condition of the bank. The committee removed the wrappers and labels for the

purpose of assorting and counting the notes, and Mr. Steevens gathered them up, preserved them, and they were shown to the undersigned so marked.

The undersigned would further state, that upon the point whether these were special or general deposits must the matter depend. A special deposit, strictly speaking, is one made under seal or wrapper, and not entered in the books of the bank; and of course in no way to be used by it, but the identical bills returned as they were deposited. Whether the bank made themselves liable when they entered the same upon their books, even if they were entered as special deposits, your honorable body must judge. From the unsettled state of things, and the unusual manner of doing business in consequence of the derangement and fluctuation of the currency of our own state, the bank claims that it is entitled to this allowance as special deposits.

With these claims allowed to them, (the advances made to the legislature,) the amount due them from John S. Bagg, state printer, and the transfer of fifty thousand dollars of money now standing to the credit of the Marshall and Allegan railroad company, which they have paid to the Calhoun county bank, and which the bank wishes the state to receive the securities of said company for, in the same manner that the Ypsilanti and Tecumseh railroad company have, they will then owe the state the aforesaid sum of nearly three hundred and fifty thousand dollars, which they propose to pay in the following manner, viz: fifty thousand dollars on the first day of January next, and fifty thousand dollars every six months thereafter, till the whole amount is paid, with interest, secured by a good and sufficient bond, signed by the directors of the bank.

The undersigned beg leave further to suggest for the consideration of the legislature, that the question of settlement depends upon the justice or equity of the claims of the bank against the state, and becomes, in a measure, a matter of expediency. The bank at the present time is in a crippled situation as far as the present means are concerned, and a large debt due to the state is in consequence in jeopardy. The bank claims as equitably due to them those sums, although in a legal point of view, the state may not be considered bound to allow them. When we take into view the present situation of the state affairs with that bank, and consider that by allowing these claims the remaining part of the debt will be made secure and available to the state in time, and the bank will be able to redeem its circulation and outstanding drafts, it becomes a question of expediency which the undersigned respectfully ask the legislature to settle, whether these claims shall be allowed or not, and then the settlement with the bank becomes a very easy matter. The bank decline making such settlement till the legislature or the competent authorities

say distinctly what shall be done with these items of disagreement.

Respectfully submitted.

ROBERT ABBOTT,
Auditor General.
RANDOLPH MANNING,
Secretary of State.
A. G. HAMMOND,
Com. of the Legislature.

Detroit, April 12, 1839.

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